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# Revenue Act of 1921



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**National Bank of Commerce  
in New York**

January, 1922





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# Revenue Act of 1921

*Complete Text,  
Reference Notes,  
Tables and Index*

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National Bank of Commerce  
in New York

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JANUARY, 1922

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## Foreword

**I**N this book the National Bank of Commerce in New York presents the complete text of the new act under which Federal internal revenue taxes are to be levied in lieu of those imposed under the Revenue Act of 1918.

Beginning with 1922 the excess-profits tax is repealed and surtax rates are slightly reduced. While rates imposed on income of the calendar year 1921 have not been changed, the methods prescribed for the determination of taxable income have been altered in many particulars. Among noteworthy changes are the provision of an optional tax at a limited rate on net gain from the sale of capital assets held more than two years and the authorization of the deduction of net losses from income of subsequent years. In these and other respects the detailed provisions of the revenue law have been recast with the view of securing a greater degree of fairness, though greater clearness has not always resulted.

Side notes and a complete index have been provided to facilitate reference to the act, and an appendix of tables illustrates the application of the rates to incomes of varying size and composition, and their effect on the net income from various classes of securities in the hands of individual investors.

JAMES S. ALEXANDER  
*President*

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24 Apr 23 HALLER

1 July 22 Dir. g



## CONTENTS

	PAGE
I. General Definitions .....	5
II. Income Tax .....	7
III. War-Profits and Excess-Profits Tax for 1921...	95
IV. Estate Tax .....	106
V. Tax on Telegraph and Telephone Messages.....	121
VI. Tax on Beverages and Constituent Parts Thereof	123
VII. Tax on Cigars, Tobacco, and Manufactures Thereof .....	127
VIII. Tax on Admissions and Dues.....	134
IX. Excise Taxes .....	138
X. Special Taxes .....	145
XI. Stamp Taxes .....	159
XII. Tax on Employment of Child Labor.....	170
XIII. General Administrative Provisions.....	174
XIV. General Provisions .....	198
APPENDIX .....	201
Individual Tax Tables.....	202
Corporation Tax Tables.....	207
Comparison of Taxes on Income from Corpora- tions and Partnerships.....	210
INDEX .....	213

# REVENUE ACT OF 1921

[PUBLIC—NO. 98—67TH CONGRESS]

[H. R. 8245]

(In effect November 23, 1921, except as  
otherwise provided)

An Act to reduce and equalize taxation, to provide revenue, and  
for other purposes.

*Be it enacted by the Senate and House of Representatives  
of the United States of America in Congress assembled,*

## TITLE I.—GENERAL DEFINITIONS.\*

SECTION 1. That this Act may be cited as the  
“Revenue Act of 1921.”

SEC. 2. That when used in this Act—

(1) The term “person” includes partnerships **Person**  
and corporations, as well as individuals;

(2) The term “corporation” includes associa- **Corporation**  
tions, joint-stock companies, and insurance com-  
panies;

(3) The term “domestic” when applied to a **Domestic**  
corporation or partnership means created or organ-  
ized in the United States;

(4) The term “foreign” when applied to a cor- **Foreign**  
poration or partnership means created or organized  
outside the United States;

(5) The term “United States” when used in a **United States**  
geographical sense includes only the States, the  
Territories of Alaska and Hawaii, and the District  
of Columbia;

(6) The term “Secretary” means the Secretary **Secretary**  
of the Treasury;

\* Title I of the Revenue Act of 1918 is not specifically repealed by  
this Act.

Commissioner	(7) The term "Commissioner" means the Commissioner of Internal Revenue;
Collector	(8) The term "collector" means collector of internal revenue;
Taxpayer	(9) The term "taxpayer" includes any person, trust or estate subject to a tax imposed by this Act;
Military or naval forces	(10) The term "military or naval forces of the United States" includes the Marine Corps, the Coast Guard, the Army Nurse Corps, Female, and the Navy Nurse Corps, Female, but this shall not be deemed to exclude other units otherwise included within such terms; and
Government contract	(11) The term "Government contract" means (a) a contract made with the United States, or with any department, bureau, officer, commission, board, or agency, under the United States and acting in its behalf, or with any agency controlled by any of the above if the contract is for the benefit of the United States, or (b) a subcontract made with a contractor performing such a contract if the products or services to be furnished under the subcontract are for the benefit of the United States. The term "government contract or contracts made between April 6, 1917, and November 11, 1918, both dates inclusive" when applied to a contract of the kind referred to in clause (a) of this subdivision, includes all such contracts which, although entered into during such period, were originally not enforceable, but which have been or may become enforceable by reason of subsequent validation in pursuance of law.
Informal contracts included	



## TITLE II.—INCOME TAX.

### Part I.—General Provisions.

#### Definitions.

SEC. 200. That when used in this title—

(1) The term “taxable year” means the calendar year, or the fiscal year ending during such calendar year, upon the basis of which the net income is computed under section 212 or section 232. The term “fiscal year” means an accounting period of twelve months ending on the last day of any month other than December. The first taxable year, to be called the taxable year 1921, shall be the calendar year 1921 or any fiscal year ending during the calendar year 1921;

(2) The term “fiduciary” means a guardian, trustee, executor, administrator, receiver, conservator, or any person acting in any fiduciary capacity for any person, trust or estate;

(3) The term “withholding agent” means any person required to deduct and withhold any tax under the provisions of section 221 or section 237;

(4) The term “paid,” for the purposes of the deductions and credits under this title, means “paid or accrued” or “paid or incurred,” and the terms “paid or incurred” and “paid or accrued” shall be construed according to the method of accounting upon the basis of which the net income is computed under section 212; and

(5) The term “personal service corporation” means a corporation whose income is to be ascribed primarily to the activities of the principal owners or stockholders who are themselves regularly en-

gaged in the active conduct of the affairs of the corporation and in which capital (whether invested or borrowed) is not a material income-producing factor; but does not include any foreign corporation, nor any corporation 50 per centum or more of whose gross income consists either (1) of gains, profits, or income derived from trading as a principal, or (2) of gains, profits, commissions, or other income, derived from a Government contract or contracts made between April 6, 1917, and November 11, 1918, both dates inclusive.

#### Dividends.

##### Dividend

SEC. 201. (a) That the term "dividend" when used in this title (except in paragraph (10) of subdivision (a) of section 234 and paragraph (4) of subdivision (a) of section 245) means any distribution made by a corporation to its shareholders or members, whether in cash or in other property, out of its earnings or profits accumulated since February 28, 1913, except a distribution made by a personal service corporation out of earnings or profits accumulated since December 31, 1917, and prior to January 1, 1922.

##### Deemed to be from most recent earnings

(b) For the purposes of this Act every distribution is made out of earnings or profits, and from the most recently accumulated earnings or profits, to the extent of such earnings or profits accumulated since February 28, 1913; but any earnings or profits accumulated or increase in value of property accrued prior to March 1, 1913, may be distributed exempt from the tax, after the earnings and profits accumulated since February 28, 1913, have been distributed. If any such tax-free distribution has been made the distributee shall not be allowed as a deduction from gross income any loss sustained from the sale or other disposition of his stock or shares unless, and then only to the extent that, the basis provided in Section 202 exceeds the

##### Exempt distributions

##### Limitation on deduction for losses

sum of (1) the amount realized from the sale or other disposition of such stock or shares, and (2) the aggregate amount of such distributions received by him thereon.

(c) Any distribution (whether in cash or other property) made by a corporation to its shareholders or members otherwise than out of (1) earnings or profits accumulated since February 28, 1913, or (2) earnings or profits accumulated or increase in value of property accrued prior to March 1, 1913, shall be applied against and reduce the basis provided in section 202 for the purpose of ascertaining the gain derived or the loss sustained from the sale or other disposition of the stock or shares by the distributee.

Distributions in liquidation, etc.

(d) A stock dividend shall not be subject to tax but if after the distribution of any such dividend the corporation proceeds to cancel or redeem its stock at such time and in such manner as to make the distribution and cancellation or redemption essentially equivalent to the distribution of a taxable dividend, the amount received in redemption or cancellation of the stock shall be treated as a taxable dividend to the extent of the earnings or profits accumulated by such corporation after February 28, 1913.

Stock dividends

(e) For the purposes of this Act, a taxable distribution made by a corporation to its shareholders or members shall be included in the gross income of the distributees as of the date when the cash or other property is unqualifiedly made subject to their demands.

When income to recipient

(f) Any distribution made during the first sixty days of any taxable year shall be deemed to have been made from earnings or profits accumulated during preceding taxable years; but any distribution made during the remainder of the taxable year shall be deemed to have been made from earnings or profits accumulated between the close of

Earnings from which distribution is made



the preceding taxable year and the date of distribution, to the extent of such earnings or profits, and if the books of the corporation do not show the amount of such earnings or profits, the earnings or profits for the accounting period within which the distribution was made shall be deemed to have been accumulated ratably during such period. This subdivision shall not be in effect after December 31, 1921.

**Basis for Determining Gain or Loss.**

Property acquired  
after February  
28, 1913:

SEC. 202. (a) That the basis for ascertaining the gain derived or loss sustained from a sale or other disposition of property, real, personal, or mixed, acquired after February 28, 1913, shall be the cost of such property; except that—

Inventoried

(1) In the case of such property, which should be included in the inventory, the basis shall be the last inventory value thereof;

Acquired by gift  
after December  
31, 1920

(2) In the case of such property, acquired by gift after December 31, 1920, the basis shall be the same as that which it would have in the hands of the donor or the last preceding owner by whom it was not acquired by gift. If the facts necessary to determine such basis are unknown to the donee, the Commissioner shall, if possible, obtain such facts from such donor or last preceding owner, or any other person cognizant thereof. If the Commissioner finds it impossible to obtain such facts, the basis shall be the value of such property as found by the Commissioner as of the date or approximate date at which, according to the best information the Commissioner is able to obtain, such property was acquired by such donor or last preceding owner. In the case of such property acquired by gift on or before December 31, 1920, the basis for ascertaining gain or loss from a sale or other disposition thereof shall be the fair market price or value of such property at the time of such acquisition;

On or before  
December 31, 1920

(3) In the case of such property, acquired by bequest, devise, or inheritance, the basis shall be the fair market price or value of such property at the time of such acquisition. The provisions of this paragraph shall apply to the acquisition of such property interests as are specified in subdivision (c) or (e) of section 402. Inherited

(b) The basis for ascertaining the gain derived or loss sustained from the sale or other disposition of property, real, personal, or mixed, acquired before March 1, 1913, shall be the same as that provided by subdivision (a); but— Property acquired  
before March  
1, 1913

(1) If its fair market price or value as of March 1, 1913, is in excess of such basis, the gain to be included in the gross income shall be the excess of the amount realized therefor over such fair market price or value;

(2) If its fair market price or value as of March 1, 1913, is lower than such basis, the deductible loss is the excess of the fair market price or value as of March 1, 1913, over the amount realized therefor; and

(3) If the amount realized therefor is more than such basis but not more than its fair market price or value as of March 1, 1913, or less than such basis but not less than such fair market price or value, no gain shall be included in and no loss deducted from the gross income.

(c) For the purposes of this title, on an exchange of property, real, personal or mixed, for any other such property, no gain or loss shall be recognized unless the property received in exchange has a readily realizable market value; but even if the property received in exchange has a readily realizable market value, no gain or loss shall be recognized— Exchange of  
property:

(1) When any such property held for investment, or for productive use in trade or business (not including stock-in-trade or other property Held for  
investment

held primarily for sale), is exchanged for property of a like kind or use;

**In reorganizations**

(2) When in the reorganization of one or more corporations a person receives in place of any stock or securities owned by him, stock or securities in a corporation a party to or resulting from such reorganization. The word "reorganization," as used in this paragraph, includes a merger or consolidation (including the acquisition by one corporation of at least a majority of the voting stock and at least a majority of the total number of shares of all other classes of stock of another corporation, or of substantially all the properties of another corporation), recapitalization, or mere change in identity, form, or place of organization of a corporation, (however effected); or

**In organizing new corporations**

(3) When (A) a person transfers any property real, personal or mixed, to a corporation, and immediately after the transfer is in control of such corporation, or (B) two or more persons transfer any such property to a corporation, and immediately after the transfer are in control of such corporation, and the amounts of stock, securities, or both, received by such persons are in substantially the same proportion as their interests in the property before such transfer. For the purposes of this paragraph, a person is, or two or more persons are, "in control" of a corporation when owning at least 80 per centum of the voting stock and at least 80 per centum of the total number of shares of all other classes of stock of the corporation.

**When new property substituted for old:  
Exchange**

(d) (1) Where property is exchanged for other property and no gain or loss is recognized under the provisions of subdivision (c), the property received shall, for the purposes of this section, be treated as taking the place of the property exchanged therefor, except as provided in subdivision (e);



(2) Where property is compulsorily or involuntarily converted into cash or its equivalent in the manner described in paragraph (12) of subdivision (a) of section 214 and paragraph (14) of subdivision (a) of section 234, and the taxpayer proceeds in good faith to expend or set aside the proceeds of such conversion in the form and in the manner therein provided, the property acquired shall, for the purpose of this section, be treated as taking the place of a like proportion of the property converted.

Compulsory  
conversion

(3) Where no deduction is allowed for a loss or a part thereof under the provisions of paragraph (5) of subdivision (a) of section 214 and paragraph (4) of subdivision (a) of section 234, that part of the property acquired with relation to which such loss is disallowed shall for the purposes of this section be treated as taking the place of the property sold or disposed of.

In case of loss not  
deductible

(e) Where property is exchanged for other property which has no readily realizable market value, together with money or other property which has a readily realizable market value, then the money or the fair market value of the property having such readily realizable market value received in exchange shall be applied against and reduce the basis, provided in this section, of the property exchanged, and if in excess of such basis, shall be taxable to the extent of the excess; but when property is exchanged for property specified in paragraphs (1), (2), and (3) of subdivision (c) as received in exchange, together with money or other property of a readily realizable market value other than that specified in such paragraphs, the money or the fair market value of such other property received in exchange shall be applied against and reduce the basis, provided in this section, of the property exchanged, and if in excess of such basis, shall be taxable to the extent of the excess.

Exchange for mixed  
consideration

**Installment sales**

(f) Nothing in this section shall be construed to prevent (in the case of property sold under contract providing for payment in installments) the taxation of that portion of any installment payment representing gain or profit in the year in which such payment is received.

**Inventories.****Basis**

SEC. 203. That whenever in the opinion of the Commissioner the use of inventories is necessary in order clearly to determine the income of any taxpayer, inventories shall be taken by such taxpayer upon such basis as the Commissioner, with the approval of the Secretary, may prescribe as conforming as nearly as may be to the best accounting practice in the trade or business and as most clearly reflecting the income.

**Net Losses.****Computation of  
net loss**

SEC. 204. (a) That as used in this section the term "net loss" means only net losses resulting from the operation of any trade or business regularly carried on by the taxpayer (including losses sustained from the sale or other disposition of real estate, machinery, and other capital assets, used in the conduct of such trade or business); and when so resulting means the excess of the deductions allowed by section 214 or 234, as the case may be, over the sum of the following: (1) the gross income of the taxpayer for the taxable year, (2) the amount by which the interest received free from taxation under this title exceeds so much of the interest paid or accrued within the taxable year on indebtedness as is not permitted to be deducted by paragraph (2) of subdivision (a) of section 214 or by paragraph (2) of subdivision (a) of section 234, (3) the amount by which the deductible losses not sustained in such trade or business exceed the taxable gains or profits not derived from such trade

or business, (4) amounts received as dividends and allowed as a deduction under paragraph (6) of subdivision (a) of section 234, and (5) so much of the depletion deduction allowed with respect to any mine, oil or gas well as is based upon discovery value in lieu of cost.

(b) If for any taxable year beginning after December 31, 1920, it appears upon the production of evidence satisfactory to the Commissioner that any taxpayer has sustained a net loss, the amount thereof shall be deducted from the net income of the taxpayer for the succeeding taxable year; and if such net loss is in excess of the net income for such succeeding taxable year, the amount of such excess shall be allowed as a deduction in computing the net income for the next succeeding taxable year; the deduction in all cases to be made under regulations prescribed by the Commissioner with the approval of the Secretary.

Deduction of  
net loss

(c) The benefit of this section shall be allowed to the members of a partnership and the beneficiaries of an estate or trust, and to insurance companies subject to the tax imposed by section 243 or 246, under regulations prescribed by the Commissioner with the approval of the Secretary.

(d) If it appears, upon the production of evidence satisfactory to the Commissioner, that a taxpayer having a fiscal year beginning in 1920 and ending in 1921 has sustained a net loss during such fiscal year, such taxpayer shall be entitled to the benefits of this section in respect to the same proportion of such net loss which the portion of such fiscal year falling within the calendar year 1921 is of the entire fiscal year.

Net loss for fiscal  
year ending in 1921

#### Fiscal Years 1920-1921 and 1921-1922.

SEC. 205. (a) That if a taxpayer makes return for a fiscal year beginning in 1920 and ending in 1921, his tax under this title for the taxable year

Computation of tax



1921 shall be the sum of: (1) the same proportion of a tax for the entire period computed under Title II of the Revenue Act of 1918 at the rates for the calendar year 1920 which the portion of such period falling within the calendar year 1920 is of the entire period, and (2) the same proportion of a tax for the entire period computed under this title at the rates for the calendar year 1921, which the portion of such period falling within the calendar year 1921 is of the entire period.

Any amount paid before or after the passage of this Act on account of the tax imposed for such fiscal year by Title II of the Revenue Act of 1918 shall be credited toward the payment of the tax imposed for such fiscal year by this Act, and if the amount so paid exceeds the amount of such tax imposed by this Act, the excess shall be credited or refunded in accordance with the provisions of section 252.

Tax for fiscal year  
ending in 1922

(b) If a taxpayer makes return for a fiscal year beginning in 1921 and ending in 1922, his tax under this title for the taxable year 1922 shall be the sum of: (1) the same proportion of a tax for the entire period computed under this title (as in force on December 31, 1921) at the rates for the calendar year 1921 which the portion of such period falling within the calendar year 1921 is of the entire period, and (2) the same proportion of a tax for the entire period computed under this title (as in force on January 1, 1922) at the rates for the calendar year 1922 which the portion of such period falling within the calendar year 1922 is of the entire period: *Provided*, That in the case of a personal service corporation the amount to be paid shall be only that specified in clause (2).

Partnership's fiscal  
year ending in 1921  
or 1922

(c) If a fiscal year of a partnership begins in 1920 and ends in 1921, or begins in 1921 and ends in 1922, then (1) the rates for the calendar year during which such fiscal year begins shall apply

to an amount of each partner's share of such partnership net income (determined under the law applicable to such year) equal to the proportion which the part of such fiscal year falling within such calendar year bears to the full fiscal year, and (2) the rates for the calendar year during which such fiscal year ends shall apply to an amount of each partner's share of such partnership net income (determined under the law applicable to such calendar year) equal to the proportion which the part of such fiscal year falling within such calendar year bears to the full fiscal year.

### Capital Gain.

SEC. 206. (a) That for the purpose of this title: Definitions:

(1) The term "capital gain" means taxable gain from the sale or exchange of capital assets consummated after December 31, 1921; Capital gain

(2) The term "capital loss" means deductible loss resulting from the sale or exchange of capital assets consummated after December 31, 1921; Capital loss

(3) The term "capital deductions" means such deductions as are allowed under this title for the purpose of computing net income and are properly allocable to or chargeable against items of capital gain as defined in this section; Capital deductions

(4) The term "capital net gain" means the excess of the total amount of capital gain over the sum of the capital deductions and capital losses; Capital net gain

(5) The term "ordinary net income" means the net income, computed in accordance with the provisions of this title, after excluding all items of capital gain, capital loss, and capital deductions; and Ordinary net income

(6) The term "capital assets" as used in this section means property acquired and held by the Capital assets

taxpayer for profit or investment for more than two years (whether or not connected with his trade or business), but does not include property held for the personal use or consumption of the taxpayer or his family, or stock in trade of the taxpayer or other property of a kind which would properly be included in the inventory of the taxpayer if on hand at the close of the taxable year.

**Alternative method  
of taxation**

(b) In the case of any taxpayer (other than a corporation) who for any taxable year derives a capital net gain, there shall (at the election of the taxpayer) be levied, collected and paid, in lieu of the taxes imposed by sections 210 and 211 of this title, a tax determined as follows:

**Computation of tax**

A partial tax shall first be computed upon the basis of the ordinary net income at the rates and in the manner provided in sections 210 and 211, and the total tax shall be this amount plus  $12\frac{1}{2}$  per centum of the capital net gain; but if the taxpayer elects to be taxed under this section the total tax shall in no such case be less than  $12\frac{1}{2}$  per centum of the total net income. The total tax thus determined shall be computed, collected and paid in the same manner, at the same time and subject to the same provisions of law, including penalties, as other taxes under this title.

**Capital net gains  
to partnerships  
and trusts**

(c) In the case of a partnership or of an estate or trust, the proper part of each share of the net income which consists, respectively, of ordinary net income and capital net gain, shall be determined under rules and regulations to be prescribed by the Commissioner with the approval of the Secretary, and shall be separately shown in the return of the partnership or estate or trust, and shall be taxed to the member or beneficiary or to the estate or trust as provided in sections 218 and 219, but at the rates and in the manner provided in subdivision (b) of this section.

**Part II.—Individuals.****Normal Tax.**

SEC. 210. That, in lieu of the tax imposed by Normal tax rate  
 section 210 of the Revenue Act of 1918, there shall be levied, collected, and paid for each taxable year upon the net income of every individual a normal tax of 8 per centum of the amount of the net income in excess of the credits provided in section 216: *Provided*, That in the case of a citizen or resident of the United States the rate upon the first \$4,000 of such excess amount shall be 4 per centum.

**Surtax.**

SEC. 211. (a) That, in lieu of the tax imposed by section 211 of the Revenue Act of 1918, but in addition to the normal tax imposed by section 210 of this Act, there shall be levied, collected, and paid for each taxable year upon the net income of every individual—

(1) For the calendar year 1921, a surtax equal Surtax rates  
for 1921  
 to the sum of the following:

1 per centum of the amount by which the net income exceeds \$5,000 and does not exceed \$6,000;

2 per centum of the amount by which the net income exceeds \$6,000 and does not exceed \$8,000;

3 per centum of the amount by which the net income exceeds \$8,000 and does not exceed \$10,000;

4 per centum of the amount by which the net income exceeds \$10,000 and does not exceed \$12,000;

5 per centum of the amount by which the net income exceeds \$12,000 and does not exceed \$14,000;

6 per centum of the amount by which the net income exceeds \$14,000 and does not exceed \$16,000;

7 per centum of the amount by which the net income exceeds \$16,000 and does not exceed \$18,000;

8 per centum of the amount by which the net income exceeds \$18,000 and does not exceed \$20,000;



Surtax rates for  
1921, continued

9 per centum of the amount by which the net income exceeds \$20,000 and does not exceed \$22,000;

10 per centum of the amount by which the net income exceeds \$22,000 and does not exceed \$24,000;

11 per centum of the amount by which the net income exceeds \$24,000 and does not exceed \$26,000;

12 per centum of the amount by which the net income exceeds \$26,000 and does not exceed \$28,000;

13 per centum of the amount by which the net income exceeds \$28,000 and does not exceed \$30,000;

14 per centum of the amount by which the net income exceeds \$30,000 and does not exceed \$32,000;

15 per centum of the amount by which the net income exceeds \$32,000 and does not exceed \$34,000;

16 per centum of the amount by which the net income exceeds \$34,000 and does not exceed \$36,000;

17 per centum of the amount by which the net income exceeds \$36,000 and does not exceed \$38,000;

18 per centum of the amount by which the net income exceeds \$38,000 and does not exceed \$40,000;

19 per centum of the amount by which the net income exceeds \$40,000 and does not exceed \$42,000;

20 per centum of the amount by which the net income exceeds \$42,000 and does not exceed \$44,000;

21 per centum of the amount by which the net income exceeds \$44,000 and does not exceed \$46,000;

22 per centum of the amount by which the net income exceeds \$46,000 and does not exceed \$48,000;

23 per centum of the amount by which the net income exceeds \$48,000 and does not exceed \$50,000;

24 per centum of the amount by which the net income exceeds \$50,000 and does not exceed \$52,000;

25 per centum of the amount by which the net income exceeds \$52,000 and does not exceed \$54,000;

26 per centum of the amount by which the net income exceeds \$54,000 and does not exceed \$56,000;

27 per centum of the amount by which the net income exceeds \$56,000 and does not exceed \$58,000;

28 per centum of the amount by which the net income exceeds \$58,000 and does not exceed \$60,000;	Surtax rates for 1921, continued
29 per centum of the amount by which the net income exceeds \$60,000 and does not exceed \$62,000;	
30 per centum of the amount by which the net income exceeds \$62,000 and does not exceed \$64,000;	
31 per centum of the amount by which the net income exceeds \$64,000 and does not exceed \$66,000;	
32 per centum of the amount by which the net income exceeds \$66,000 and does not exceed \$68,000;	
33 per centum of the amount by which the net income exceeds \$68,000 and does not exceed \$70,000;	
34 per centum of the amount by which the net income exceeds \$70,000 and does not exceed \$72,000;	
35 per centum of the amount by which the net income exceeds \$72,000 and does not exceed \$74,000;	
36 per centum of the amount by which the net income exceeds \$74,000 and does not exceed \$76,000;	
37 per centum of the amount by which the net income exceeds \$76,000 and does not exceed \$78,000;	
38 per centum of the amount by which the net income exceeds \$78,000 and does not exceed \$80,000;	
39 per centum of the amount by which the net income exceeds \$80,000 and does not exceed \$82,000;	
40 per centum of the amount by which the net income exceeds \$82,000 and does not exceed \$84,000;	
41 per centum of the amount by which the net income exceeds \$84,000 and does not exceed \$86,000;	
42 per centum of the amount by which the net income exceeds \$86,000 and does not exceed \$88,000;	
43 per centum of the amount by which the net income exceeds \$88,000 and does not exceed \$90,000;	
44 per centum of the amount by which the net income exceeds \$90,000 and does not exceed \$92,000;	
45 per centum of the amount by which the net income exceeds \$92,000 and does not exceed \$94,000;	
46 per centum of the amount by which the net income exceeds \$94,000 and does not exceed \$96,000;	

Surtax rates for  
1921, continued

47 per centum of the amount by which the net income exceeds \$96,000 and does not exceed \$98,000;

48 per centum of the amount by which the net income exceeds \$98,000 and does not exceed \$100,000;

52 per centum of the amount by which the net income exceeds \$100,000 and does not exceed \$150,000;

56 per centum of the amount by which the net income exceeds \$150,000 and does not exceed \$200,000;

60 per centum of the amount by which the net income exceeds \$200,000 and does not exceed \$300,000;

63 per centum of the amount by which the net income exceeds \$300,000 and does not exceed \$500,000;

64 per centum of the amount by which the net income exceeds \$500,000 and does not exceed \$1,000,000;

65 per centum of the amount by which the net income exceeds \$1,000,000;

Surtax rates after  
1921

(2) For the calendar year 1922 and each calendar year thereafter, a surtax equal to the sum of the following:

1 per centum of the amount by which the net income exceeds \$6,000 and does not exceed \$10,000;

2 per centum of the amount by which the net income exceeds \$10,000 and does not exceed \$12,000;

3 per centum of the amount by which the net income exceeds \$12,000 and does not exceed \$14,000;

4 per centum of the amount by which the net income exceeds \$14,000 and does not exceed \$16,000;

5 per centum of the amount by which the net income exceeds \$16,000 and does not exceed \$18,000;

6 per centum of the amount by which the net income exceeds \$18,000 and does not exceed \$20,000;

Surtax rates after  
1921, continued

8 per centum of the amount by which the net income exceeds \$20,000 and does not exceed \$22,000;

9 per centum of the amount by which the net income exceeds \$22,000 and does not exceed \$24,000;

10 per centum of the amount by which the net income exceeds \$24,000 and does not exceed \$26,000;

11 per centum of the amount by which the net income exceeds \$26,000 and does not exceed \$28,000;

12 per centum of the amount by which the net income exceeds \$28,000 and does not exceed \$30,000;

13 per centum of the amount by which the net income exceeds \$30,000 and does not exceed \$32,000;

15 per centum of the amount by which the net income exceeds \$32,000 and does not exceed \$36,000;

16 per centum of the amount by which the net income exceeds \$36,000 and does not exceed \$38,000;

17 per centum of the amount by which the net income exceeds \$38,000 and does not exceed \$40,000;

18 per centum of the amount by which the net income exceeds \$40,000 and does not exceed \$42,000;

19 per centum of the amount by which the net income exceeds \$42,000 and does not exceed \$44,000;

20 per centum of the amount by which the net income exceeds \$44,000 and does not exceed \$46,000;

21 per centum of the amount by which the net income exceeds \$46,000 and does not exceed \$48,000;

22 per centum of the amount by which the net income exceeds \$48,000 and does not exceed \$50,000;

23 per centum of the amount by which the net income exceeds \$50,000 and does not exceed \$52,000;

24 per centum of the amount by which the net income exceeds \$52,000 and does not exceed \$54,000;

25 per centum of the amount by which the net income exceeds \$54,000 and does not exceed \$56,000;

26 per centum of the amount by which the net income exceeds \$56,000 and does not exceed \$58,000;

27 per centum of the amount by which the net income exceeds \$58,000 and does not exceed \$60,000;



Surtax rates after  
1921, continued

- 28 per centum of the amount by which the net income exceeds \$60,000 and does not exceed \$62,000;
- 29 per centum of the amount by which the net income exceeds \$62,000 and does not exceed \$64,000;
- 30 per centum of the amount by which the net income exceeds \$64,000 and does not exceed \$66,000;
- 31 per centum of the amount by which the net income exceeds \$66,000 and does not exceed \$68,000;
- 32 per centum of the amount by which the net income exceeds \$68,000 and does not exceed \$70,000;
- 33 per centum of the amount by which the net income exceeds \$70,000 and does not exceed \$72,000;
- 34 per centum of the amount by which the net income exceeds \$72,000 and does not exceed \$74,000;
- 35 per centum of the amount by which the net income exceeds \$74,000 and does not exceed \$76,000;
- 36 per centum of the amount by which the net income exceeds \$76,000 and does not exceed \$78,000;
- 37 per centum of the amount by which the net income exceeds \$78,000 and does not exceed \$80,000;
- 38 per centum of the amount by which the net income exceeds \$80,000 and does not exceed \$82,000;
- 39 per centum of the amount by which the net income exceeds \$82,000 and does not exceed \$84,000;
- 40 per centum of the amount by which the net income exceeds \$84,000 and does not exceed \$86,000;
- 41 per centum of the amount by which the net income exceeds \$86,000 and does not exceed \$88,000;
- 42 per centum of the amount by which the net income exceeds \$88,000 and does not exceed \$90,000;
- 43 per centum of the amount by which the net income exceeds \$90,000 and does not exceed \$92,000;
- 44 per centum of the amount by which the net income exceeds \$92,000 and does not exceed \$94,000;
- 45 per centum of the amount by which the net income exceeds \$94,000 and does not exceed \$96,000;
- 46 per centum of the amount by which the net income exceeds \$96,000 and does not exceed \$98,000;

47 per centum of the amount by which the net income exceeds \$98,000 and does not exceed \$100,000; Surtax rates after 1921, continued

48 per centum of the amount by which the net income exceeds \$100,000 and does not exceed \$150,000;

49 per centum of the amount by which the net income exceeds \$150,000 and does not exceed \$200,000;

50 per centum of the amount by which the net income exceeds \$200,000.

(b) In the case of a bona fide sale of mines, oil or gas wells, or any interest therein, where the principal value of the property has been demonstrated by prospecting or exploration and discovery work done by the taxpayer, the portion of the tax imposed by this section attributable to such sale shall not exceed, for the calendar year 1921, 20 per centum, and for each calendar year thereafter 16 per centum, of the selling price of such property or interest. Limitation in case of sale of mines and wells

#### Net Income of Individuals Defined.

SEC. 212. (a) That in the case of an individual the term "net income" means the gross income as defined in section 213, less the deductions allowed by section 214.

(b) The net income shall be computed upon the basis of the taxpayer's annual accounting period (fiscal year or calendar year, as the case may be) in accordance with the method of accounting regularly employed in keeping the books of such taxpayer; but if no such method of accounting has been so employed, or if the method employed does not clearly reflect the income, the computation shall be made upon such basis and in such manner as in the opinion of the Commissioner does clearly reflect the income. If the taxpayer's annual accounting period is other than a fiscal year as defined in sec- Accounting period  
Accounting methods

tion 200 or if the taxpayer has no annual accounting period or does not keep books, the net income shall be computed on the basis of the calendar year.

Change in  
accounting  
period

(c) If a taxpayer changes his accounting period from fiscal year to calendar year, from calendar year to fiscal year, or from one fiscal year to another, the net income shall, with the approval of the Commissioner, be computed on the basis of such new accounting period, subject to the provisions of section 226.

#### Gross Income Defined.

SEC. 213. That for the purposes of this title (except as otherwise provided in section 233) the term "gross income"—

Income subject  
to tax

(a) Includes gains, profits, and income derived from salaries, wages, or compensation for personal service (including in the case of the President of the United States, the judges of the Supreme and inferior courts of the United States, and all other officers and employees, whether elected or appointed, of the United States, Alaska, Hawaii, or any political subdivision thereof, or the District of Columbia, the compensation received as such), of whatever kind and in whatever form paid, or from professions, vocations, trades, businesses, commerce, or sales, or dealings in property, whether real or personal, growing out of the ownership or use of or interest in such property; also from interest, rent, dividends, securities, or the transaction of any business carried on for gain or profit, or gains or profits and income derived from any source whatever. The amount of all such items (except as provided in subdivision (e) of section 201) shall be included in the gross income for the taxable year in which received by the taxpayer, unless, under methods of accounting permitted under subdivision (b) of section 212, any such amounts are to be properly accounted for as of a different period; but

(b) Does not include the following items, which shall be exempt from taxation under this title:

Income exempt from tax:

(1) The proceeds of life insurance policies paid upon the death of the insured;

Proceeds of life insurance policies

(2) The amount received by the insured as a return of premium or premiums paid by him under life insurance, endowment, or annuity contracts, either during the term or at the maturity of the term mentioned in the contract or upon surrender of the contract;

Return of life insurance premiums

(3) The value of property acquired by gift, bequest, devise, or descent (but the income from such property shall be included in gross income);

Gifts and bequests

(4) Interest upon (a) the obligations of a State, Territory, or any political subdivision thereof, or the District of Columbia; or (b) securities issued under the provisions of the Federal Farm Loan Act of July 17, 1916; or (c) the obligations of the United States or its possessions; or (d) bonds issued by the War Finance Corporation. In the case of obligations of the United States issued after September 1, 1917 (other than postal savings certificates of deposit), and in the case of bonds issued by the War Finance Corporation, the interest shall be exempt only if and to the extent provided in the respective Acts authorizing the issue thereof as amended and supplemented, and shall be excluded from gross income only if and to the extent it is wholly exempt to the taxpayer from income, war-profits and excess-profits taxes;

Interest on State, municipal, farm loan, Government, and War Finance Corporation bonds

(5) The income of foreign governments received from investments in the United States in stocks, bonds, or other domestic securities, owned by such foreign governments, or from interest on deposits in banks in the United States of moneys belonging to such foreign governments, or from any other source within the United States;

Income of foreign governments

(6) Amounts received, through accident or health insurance or under workmen's compensation

Accident insurance receipts, etc.



acts, as compensation for personal injuries or sickness, plus the amount of any damages received whether by suit or agreement on account of such injuries or sickness;

**Public income**

(7) Income derived from any public utility or the exercise of any essential governmental function and accruing to any State, Territory, or the District of Columbia, or any political subdivision of a State or Territory, or income accruing to the Government of any possession of the United States, or any political subdivision thereof.

**Income from public  
utilities; conditions  
of exemption**

Whenever any State, Territory, or the District of Columbia, or any political subdivision of a State or Territory, prior to September 8, 1916, entered in good faith into a contract with any person, the object and purpose of which is to acquire, construct, operate, or maintain a public utility, no tax shall be levied under the provisions of this title upon the income derived from the operation of such public utility, so far as the payment thereof will impose a loss or burden upon such State, Territory, District of Columbia, or political subdivision; but this provision is not intended and shall not be construed to confer upon such person any financial gain or exemption or to relieve such person from the payment of a tax as provided for in this title upon the part or portion of such income to which such person is entitled under such contract;

**Income of nonresident  
aliens from ships**

(8) The income of a nonresident alien or foreign corporation which consists exclusively of earnings derived from the operation of a ship or ships, documented under the laws of a foreign country which grants an equivalent exemption to citizens of the United States and to corporations organized in the United States;

**Condition**

**Pensions and  
similar income**

(9) Amounts received as compensation, family allotments and allowances under the provisions of the War Risk Insurance and the Vocational Rehabilitation Acts, or as pensions from the United

States for service of the beneficiary or another in the military or naval forces of the United States in time of war;

(10) So much of the amount received by an individual after December 31, 1921, and before January 1, 1927, as dividends or interest from domestic building and loan associations, operated exclusively for the purpose of making loans to members, as does not exceed \$300;

Building and loan  
association  
dividends

(11) The rental value of a dwelling house and appurtenances thereof furnished to a minister of the gospel as part of his compensation.

Rental value of  
parsonage

(12) The receipts of shipowners' mutual protection and indemnity associations, not organized for profit, and no part of the net earnings of which inures to the benefit of any private stockholder or member, but such corporations shall be subject as other persons to the tax upon their net income from interest, dividends, and rents.

Receipts of  
shipowners'  
mutual  
associations

(c) In the case of a nonresident alien individual, gross income means only the gross income from sources within the United States, determined under the provisions of section 217.

Gross income of  
nonresident aliens

#### **Deductions Allowed Individuals.**

SEC. 214. (a) That in computing net income there shall be allowed as deductions:

(1) All the ordinary and necessary expenses paid or incurred during the taxable year in carrying on any trade or business, including a reasonable allowance for salaries or other compensation for personal services actually rendered; traveling expenses (including the entire amount expended for meals and lodging) while away from home in the pursuit of a trade or business; and rentals or other payments required to be made as a condition to the continued use or possession, for purposes of the trade or business, of property to which the tax-

Business expenses

payer has not taken or is not taking title or in which he has no equity;

**Interest**

(2) All interest paid or accrued within the taxable year on indebtedness, except on indebtedness incurred or continued to purchase or carry obligations or securities (other than obligations of the United States issued after September 24, 1917, and originally subscribed for by the taxpayer) the interest upon which is wholly exempt from taxation under this title;

**Taxes**

(3) Taxes paid or accrued within the taxable year except (a) income, war-profits, and excess-profits taxes imposed by the authority of the United States, (b) so much of the income, war-profits and excess-profits taxes, imposed by the authority of any foreign country or possession of the United States, as is allowed as a credit under section 222, (c) taxes assessed against local benefits of a kind tending to increase the value of the property assessed, and (d) taxes imposed upon the taxpayer upon his interest as shareholder or member of a corporation, which are paid by the corporation without reimbursement from the taxpayer. For the purpose of this paragraph estate, inheritance, legacy, and succession taxes accrue on the due date thereof except as otherwise provided by the law of the jurisdiction imposing such taxes;

**Losses in trade**

(4) Losses sustained during the taxable year and not compensated for by insurance or otherwise, if incurred in trade or business;

**Losses not connected  
with trade**

(5) Losses sustained during the taxable year and not compensated for by insurance or otherwise, if incurred in any transaction entered into for profit, though not connected with the trade or business; but in the case of a nonresident alien individual only if and to the extent that the profit, if such transaction had resulted in a profit, would be taxable under this title. No deduction shall be allowed

under this paragraph for any loss claimed to have been sustained in any sale or other disposition of shares of stock or securities made after the passage of this Act where it appears that within thirty days before or after the date of such sale or other disposition the taxpayer has acquired (otherwise than by bequest or inheritance) substantially identical property, and the property so acquired is held by the taxpayer for any period after such sale or other disposition. If such acquisition is to the extent of part only of substantially identical property, then only a proportionate part of the loss shall be disallowed;

**Limitation**

(6) Losses sustained during the taxable year of property not connected with the trade or business (but in the case of a nonresident alien individual only property within the United States) if arising from fires, storms, shipwreck, or other casualty, or from theft, and if not compensated for by insurance or otherwise. Losses allowed under paragraphs (4), (5), and (6) of this subdivision shall be deducted as of the taxable year in which sustained unless, in order to clearly reflect the income, the loss should, in the opinion of the Commissioner, be accounted for as of a different period. In case of losses arising from destruction of or damage to property, where the property so destroyed or damaged was acquired before March 1, 1913, the deduction shall be computed upon the basis of its fair market price or value as of March 1, 1913;

**Losses from fire, casualty, theft, etc.**

**Losses deductible for year in which sustained**

(7) Debts ascertained to be worthless and charged off within the taxable year (or, in the discretion of the Commissioner, a reasonable addition to a reserve for bad debts); and when satisfied that a debt is recoverable only in part, the Commissioner may allow such debt to be charged off in part;

**Bad debts**

(8) A reasonable allowance for the exhaustion, wear and tear of property used in the trade or business, including a reasonable allowance for

**Depreciation and obsolescence**



obsolescence. In the case of such property acquired before March 1, 1913, this deduction shall be computed upon the basis of its fair market price or value as of March 1, 1913;

**Amortization of  
facilities for war  
production**

(9) In the case of buildings, machinery, equipment, or other facilities, constructed, erected, installed, or acquired, on or after April 6, 1917, for the production of articles contributing to the prosecution of the war against the German Government, and in the case of vessels constructed or acquired on or after such date for the transportation of articles or men contributing to the prosecution of such war, there shall be allowed, for any taxable year ending before March 3, 1924 (if claim therefor was made at the time of filing return for the taxable year 1918, 1919, 1920, or 1921) a reasonable deduction for the amortization of such part of the cost of such facilities or vessels as has been borne by the taxpayer, but not again including any amount otherwise allowed under this title or previous Acts of Congress as a deduction in computing net income. At any time before March 3, 1924, the Commissioner may, and at the request of the taxpayer shall, reexamine the return, and if he then finds as a result of an appraisal or from other evidence that the deduction originally allowed was incorrect, the income, war-profits, and excess-profits taxes for the year or years affected shall be redetermined; and the amount of tax due upon such redetermination, if any, shall be paid upon notice and demand by the collector, or the amount of tax overpaid, if any, shall be credited or refunded to the taxpayer in accordance with the provisions of section 252;

**Depletion of mineral  
resources or timber**

(10) In the case of mines, oil and gas wells, other natural deposits, and timber, a reasonable allowance for depletion and for depreciation of improvements, according to the peculiar conditions in each case, based upon cost, including cost of

development not otherwise deducted: *Provided*, That in the case of such properties acquired prior to March 1, 1913, the fair market value of the property (or the taxpayer's interest therein) on that date shall be taken in lieu of cost up to that date: *Provided further*, That in the case of mines, oil and gas wells, discovered by the taxpayer, on or after March 1, 1913, and not acquired as the result of purchase of a proven tract or lease, where the fair market value of the property is materially disproportionate to the cost, the depletion allowance shall be based upon the fair market value of the property at the date of the discovery, or within thirty days thereafter: *And provided further*, That such depletion allowance based on discovery value shall not exceed the net income, computed without allowance for depletion, from the property upon which the discovery is made, except where such net income so computed is less than the depletion allowance based on cost or fair market value as of March 1, 1913; such reasonable allowance in all the above cases to be made under rules and regulations to be prescribed by the Commissioner, with the approval of the Secretary. In the case of leases the deductions allowed by this paragraph shall be equitably apportioned between the lessor and lessee;

Limitation

(11) Contributions or gifts made within the taxable year to or for the use of: (A) The United States, any State, Territory, or any political subdivision thereof, or the District of Columbia, for exclusively public purposes; (B) any corporation, or community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, including posts of the American Legion or the Women's Auxiliary units thereof, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit

Contributions  
and gifts

**Limitation**

of any private stockholder or individual; or (C) the special fund for vocational rehabilitation authorized by section 7 of the Vocational Rehabilitation Act; to an amount which in all the above cases combined does not exceed 15 per centum of the taxpayer's net income as computed without the benefit of this paragraph. In case of a nonresident alien individual this deduction shall be allowed only as to contributions or gifts made to domestic corporations, or to community chests, funds, or foundations, created in the United States, or to such vocational rehabilitation fund. Such contributions or gifts shall be allowable as deductions only if verified under rules and regulations prescribed by the Commissioner, with the approval of the Secretary;

**Proportion of gain  
on property  
involuntarily  
converted**

(12) If property is compulsorily or involuntarily converted into cash or its equivalent as a result of (A) its destruction in whole or in part, (B) theft or seizure, or (C) an exercise of the power of requisition or condemnation, or the threat or imminence thereof; and if the taxpayer proceeds forthwith in good faith, under regulations prescribed by the Commissioner with the approval of the Secretary, to expend the proceeds of such conversion in the acquisition of other property of a character similar or related in service or use to the property so converted, or in the acquisition of 80 per centum or more of the stock or shares of a corporation owning such other property, or in the establishment of a replacement fund, then there shall be allowed as a deduction such portion of the gain derived as the portion of the proceeds so expended bears to the entire proceeds. The provisions of this paragraph prescribing the conditions under which a deduction may be taken in respect of the proceeds or gains derived from the compulsory or involuntary conversion of property into cash or its equivalent, shall apply so far as may be practicable to the exemption or exclusion of such proceeds or gains from gross

**Conditions**

income under prior income, war-profits and excess-profits tax acts.

(b) In the case of a nonresident alien individual, the deductions allowed in subdivision (a), except those allowed in paragraphs (5), (6), and (11), shall be allowed only if and to the extent that they are connected with income from sources within the United States; and the proper apportionment and allocation of the deductions with respect to sources of income within and without the United States shall be determined as provided in section 217 under rules and regulations prescribed by the Commissioner with the approval of the Secretary. In the case of a citizen entitled to the benefits of section 262 the deductions shall be the same and shall be determined in the same manner as in the case of a nonresident alien individual.

Nonresident aliens:  
deductions  
connected with  
sources within  
United States

Applicable to certain  
citizens

#### Items not Deductible.

SEC. 215. (a) That in computing net income no deduction shall in any case be allowed in respect of—

- |  |   |
|--|---|
| (1) Personal, living, or family expenses;  | Living expenses                           |
| (2) Any amount paid out for new buildings or for permanent improvements or betterments made to increase the value of any property or estate;   | Capital investments                       |
| (3) Any amount expended in restoring property or in making good the exhaustion thereof for which an allowance is or has been made; or  | Cost of restoring property                |
| (4) Premiums paid on any life insurance policy covering the life of any officer or employee, or of any person financially interested in any trade or business carried on by the taxpayer, when the taxpayer is directly or indirectly a beneficiary under such policy. | Premiums on business insurance            |
| (b) Amounts paid under the laws of any State, Territory, District of Columbia, possession of the United States, or foreign country as income to the holder of a life or terminable interest acquired   | Shrinkage in value of terminable interest |



by gift, bequest, or inheritance shall not be reduced or diminished by any deduction for shrinkage (by whatever name called) in the value of such interest due to the lapse of time, nor by any deduction allowed by this Act for the purpose of computing the net income of an estate or trust but not allowed under the laws of such State, Territory, District of Columbia, possession of the United States, or foreign country for the purpose of computing the income to which such holder is entitled.

#### Credits Allowed Individuals.

##### For normal tax

SEC. 216. That for the purpose of the normal tax only there shall be allowed the following credits:

##### Dividends

(a) The amount received as dividends (1) from a domestic corporation other than a corporation entitled to the benefits of section 262, or (2) from a foreign corporation when it is shown to the satisfaction of the Commissioner that more than 50 per centum of the gross income of such foreign corporation for the three-year period ending with the close of its taxable year preceding the declaration of such dividends (or for such part of such period as the corporation has been in existence) was derived from sources within the United States as determined under the provisions of section 217;

##### Interest on Government and War Finance Corporation bonds

(b) The amount received as interest upon obligations of the United States and bonds issued by the War Finance Corporation, which is included in gross income under section 213;

##### Personal exemption

(c) In the case of a single person, a personal exemption of \$1,000; or in the case of the head of a family or a married person living with husband or wife, a personal exemption of \$2,500, unless the net income is in excess of \$5,000, in which case the personal exemption shall be \$2,000. A husband and wife living together shall receive but one personal exemption. The amount of such personal

exemption shall be \$2,500, unless the aggregate net income of such husband and wife is in excess of \$5,000, in which case the amount of such personal exemption shall be \$2,000. If such husband and wife make separate returns, the personal exemption may be taken by either or divided between them. In no case shall the reduction of the personal exemption from \$2,500 to \$2,000 operate to increase the tax, which would be payable if the exemption were \$2,500, by more than the amount of the net income in excess of \$5,000;

Limitation of tax

(d) \$400 for each person (other than husband or wife) dependent upon and receiving his chief support from the taxpayer if such dependent person is under eighteen years of age or is incapable of self-support because mentally or physically defective.

Exemption for dependents

(e) In the case of a nonresident alien individual or of a citizen entitled to the benefits of section 262, the personal exemption shall be only \$1,000, and he shall not be entitled to the credit provided in subdivision (d).

Exemption to nonresident aliens and certain citizens

(f) The credits allowed by subdivisions (c), (d), and (e) of this section shall be determined by the status of the taxpayer on the last day of the period for which the return of income is made; but in the case of an individual who dies during the taxable year, such credits shall be determined by his status at the time of his death, and in such case full credits shall be allowed to the surviving spouse, if any, according to his or her status at the close of the period for which such survivor makes return of income.

Determination of specific exemption

#### Net Income of Nonresident Alien Individuals.

SEC. 217. (a) That in the case of a nonresident alien individual or of a citizen entitled to the benefits of section 262, the following items of gross income shall be treated as income from sources within the United States:

Gross income from sources within United States

**Interest****Exceptions**

(1) Interest on bonds, notes, or other interest-bearing obligations of residents, corporate or otherwise, not including (A) interest on deposits with persons carrying on the banking business paid to persons not engaged in business within the United States and not having an office or place of business therein, or (B) interest received from a resident alien individual or a resident foreign corporation when it is shown to the satisfaction of the Commissioner that less than 20 per centum of the gross income of such resident payor has been derived from sources within the United States, as determined under the provisions of this section, for the three-year period ending with the close of the taxable year of such payor, or for such part of such period immediately preceding the close of such taxable year as may be applicable;

**Dividends**

(2) The amount received as dividends (A) from a domestic corporation other than a corporation entitled to the benefits of section 262, or (B) from a foreign corporation unless less than 50 per centum of the gross income of such foreign corporation for the three-year period ending with the close of its taxable year preceding the declaration of such dividends (or for such part of such period as the corporation has been in existence) was derived from sources within the United States as determined under the provisions of this section;

**Compensation**

(3) Compensation for labor or personal services performed in the United States;

**Rents and royalties**

(4) Rentals or royalties from property located in the United States or from any interest in such property, including rentals or royalties for the use of or for the privilege of using in the United States, patents, copyrights, secret processes and formulas, good will, trade-marks, trade brands, franchises, and other like property; and

**Gains from sales  
of real property**

(5) Gains, profits, and income from the sale of real property located in the United States.

(b) From the items of gross income specified in subdivision (a) there shall be deducted the expenses, losses, and other deductions properly apportioned or allocated thereto and a ratable part of any expenses, losses, or other deductions which can not definitely be allocated to some item or class of gross income. The remainder, if any, shall be included in full as net income from sources within the United States.

Deductions  
allocated to income  
from sources in  
United States

(c) The following items of gross income shall be treated as income from sources without the United States:

Gross income from  
sources without  
United States

(1) Interest other than that derived from sources within the United States as provided in paragraph (1) of subdivision (a);

Interest

(2) Dividends other than those derived from sources within the United States as provided in paragraph (2) of subdivision (a);

Dividends

(3) Compensation for labor or personal service performed without the United States;

Compensation

(4) Rentals or royalties from property located without the United States or from any interest in such property, including rentals or royalties for the use of or for the privilege of using without the United States, patents, copyrights, secret processes and formulas, good will, trade-marks, trade brands, franchises, and other like property; and

Rents and royalties

(5) Gains, profits, and income from the sale of real property located without the United States.

Gains from sales  
of real property

(d) From the items of gross income specified in subdivision (c) there shall be deducted the expenses, losses, and other deductions properly apportioned or allocated thereto, and a ratable part of any expenses, losses, or other deductions which can not definitely be allocated to some item or class of gross income. The remainder, if any, shall be treated in full as net income from sources without the United States.

Net income from  
sources without  
United States



**Methods of  
allocation**

(e) Items of gross income, expenses, losses and deductions, other than those specified in subdivisions (a) and (c), shall be allocated or apportioned to sources within or without the United States under rules and regulations prescribed by the Commissioner with the approval of the Secretary. Where items of gross income are separately allocated to sources within the United States, there shall be deducted (for the purpose of computing the net income therefrom) the expenses, losses and other deductions properly apportioned or allocated thereto and a ratable part of other expenses, losses or other deductions which can not definitely be allocated to some item or class of gross income. The remainder, if any, shall be included in full as net income from sources within the United States. In the case of gross income derived from sources partly within and partly without the United States, the net income may first be computed by deducting the expenses, losses or other deductions apportioned or allocated thereto and a ratable part of any expenses, losses or other deductions which can not definitely be allocated to some item or class of gross income; and the portion of such net income attributable to sources within the United States may be determined by processes or formulas of general apportionment prescribed by the Commissioner with the approval of the Secretary. Gains, profits and income from (1) transportation or other services rendered partly within and partly without the United States, or (2) from the sale of personal property produced (in whole or in part) by the taxpayer within and sold without the United States, or produced (in whole or in part) by the taxpayer without and sold within the United States, shall be treated as derived partly from sources within and partly from sources without the United States. Gains, profits and income derived from the purchase of personal property within and its sale with-

out the United States or from the purchase of personal property without and its sale within the United States, shall be treated as derived entirely from the country in which sold.

(f) As used in this section the words "sale" or "sold" include "exchange" or "exchanged"; and the word "produced" includes "created," "fabricated," "manufactured," "extracted," "processed," "cured," or "aged."

Definitions

(g) A nonresident alien individual or a citizen entitled to the benefits of section 262 shall receive the benefit of the deductions and credits allowed in this title only by filing or causing to be filed with the collector a true and accurate return of his total income received from all sources corporate or otherwise in the United States, in the manner prescribed in this title; including therein all the information which the Commissioner may deem necessary for the calculation of such deductions and credits: *Provided*, That the benefit of the credit allowed in subdivision (e) of section 216 may, in the discretion of the Commissioner, be received by filing a claim therefor with the withholding agent. In case of failure to file a return, the collector shall collect the tax on such income, and all property belonging to such nonresident alien individual or foreign trader shall be liable to distraint for the tax.

Deductions and credits dependent upon filing return

#### Partnership and Personal Service Corporations.

SEC. 218. (a) That individuals carrying on business in partnership shall be liable for income tax only in their individual capacity. There shall be included in computing the net income of each partner his distributive share, whether distributed or not, of the net income of the partnership for the taxable year, or, if his net income for such taxable year is computed upon the basis of a period different from that upon the basis of which the net income of the partnership is computed, then his

Partners taxed as individuals

Net income includes undistributed earnings

distributive share of the net income of the partnership for any accounting period of the partnership ending within the fiscal or calendar year upon the basis of which the partner's net income is computed.

Credits allowed  
members

(b) The partner shall, for the purpose of the normal tax, be allowed as credits, in addition to the credits allowed to him under section 216, his proportionate share of such amounts specified in subdivisions (a) and (b) of section 216 as are received by the partnership.

Computation of  
net income

(c) The net income of the partnership shall be computed in the same manner and on the same basis as provided in section 212 except that the deduction provided in paragraph (11) of subdivision (a) of section 214 shall not be allowed.

Stockholders of  
personal service  
corporation taxed  
as partners

(d) Personal service corporations shall not be subject to taxation under this title, but the individual stockholders thereof shall be taxed in the same manner as the members of partnerships. All the provisions of this title relating to partnerships and the members thereof shall so far as practicable apply to personal service corporations and the stockholders thereof: *Provided*, That for the purpose of this subdivision amounts distributed by a personal service corporation during its taxable year shall be accounted for by the distributees; and any portion of the net income remaining undistributed at the close of its taxable year shall be accounted for by the stockholders of such corporation at the close of its taxable year in proportion to their respective shares.

For 1921 only

Fiscal year ending  
in 1922

This subdivision shall not be in effect after December 31, 1921. In the case of a personal service corporation having a fiscal year beginning in 1921 and ending in 1922, amounts distributed prior to January 1, 1922, to its stockholders out of earnings or profits accumulated after December 31, 1920, shall be taxed to the distributees; and the stockholders of record on December 31, 1921, shall

be taxed upon their distributive shares of the difference (if any) between such distributive profits and the portion of the corporation's net income assignable to the calendar year 1921, determined in the manner provided in clause (1) of subdivision (c) of section 205 of this Act.

#### Estates and Trusts.

**SEC. 219.** (a) That the tax imposed by sections 210 and 211 shall apply to the income of estates or of any kind of property held in trust, including—

(1) Income received by estates of deceased persons during the period of administration or settlement of the estate;

(2) Income accumulated in trust for the benefit of unborn or unascertained persons or persons with contingent interests;

(3) Income held for future distribution under the terms of the will or trust; and

(4) Income which is to be distributed to the beneficiaries periodically, whether or not at regular intervals, and the income collected by a guardian of an infant to be held or distributed as the court may direct.

(b) The fiduciary shall be responsible for making the return of income for the estate or trust for which he acts. The net income of the estate or trust shall be computed in the same manner and on the same basis as provided in section 212, except that (in lieu of the deduction authorized by paragraph (11) of subdivision (a) of section 214) there shall also be allowed as a deduction, without limitation, any part of the gross income which, pursuant to the terms of the will or deed creating the trust, is during the taxable year paid or permanently set aside for the purposes and in the manner specified in paragraph (11) of subdivision (a) of section 214. In cases in which there is any income of the

Taxable income

Received during administration

Accumulated in trust

Held for future distribution

Distributed periodically

When fiduciary makes return

Deductions for contributions



**Report of  
distributable  
income**

class described in paragraph (4) of subdivision (a) of this section the fiduciary shall include in the return a statement of the income of the estate or trust which, pursuant to the instrument or order governing the distribution, is distributable to each beneficiary, whether or not distributed before the close of the taxable year for which the return is made.

**Payment of tax  
by fiduciary**

(c) In cases under paragraphs (1), (2), or (3) of subdivision (a) or in any other case within subdivision (a) of this section except paragraph (4) thereof the tax shall be imposed upon the net income of the estate or trust and shall be paid by the fiduciary, except that in determining the net income of the estate of any deceased person during the period of administration or settlement there may be deducted the amount of any income properly paid or credited to any legatee, heir, or other beneficiary. In such cases the estate or trust shall, for the purpose of the normal tax, be allowed the same credits as are allowed to single persons under section 216.

**Credits to estate**

**Payment of tax  
by beneficiary**

(d) In cases under paragraph (4) of subdivision (a), and in the case of any income of an estate during the period of administration or settlement permitted by subdivision (c) to be deducted from the net income upon which tax is to be paid by the fiduciary, the tax shall not be paid by the fiduciary, but there shall be included in computing the net income of each beneficiary that part of the income of the estate or trust for its taxable year which, pursuant to the instrument or order governing the distribution, is distributable to such beneficiary, whether distributed or not, or, if his taxable year is different from that of the estate or trust, then there shall be included in computing his net income his distributive share of the income of the estate or trust for its taxable year ending within the taxable year of the beneficiary. In such

cases the beneficiary shall, for the purpose of the normal tax, be allowed as credits, in addition to the credits allowed to him under section 216, his proportionate share of such amounts specified in subdivisions (a) and (b) of section 216 as are received by the estate or trust.

Credits to  
beneficiary

(e) In the case of an estate or trust the income of which consists both of income of the class described in paragraph (4) of subdivision (a) of this section and other income, the net income of the estate or trust shall be computed and a return thereof made by the fiduciary in accordance with subdivision (b) and the tax shall be imposed, and shall be paid by the fiduciary in accordance with subdivision (c), except that there shall be allowed as an additional deduction in computing the net income of the estate or trust that part of its income of the class described in paragraph (4) of subdivision (a) which, pursuant to the instrument or order governing the distribution, is distributable during its taxable year to the beneficiaries. In cases under this subdivision there shall be included, as provided in subdivision (d) of this section, in computing the net income of each beneficiary, that part of the income of the estate or trust, which, pursuant to the instrument or order governing the distribution, is distributable during the taxable year to such beneficiary.

Return of  
distributable and  
other income

Income of  
beneficiary

(f) A trust created by an employer as a part of its stock bonus or profit-sharing plan for the exclusive benefit of some or all of his employees, to which contributions are made by such employer, or employees, or both, for the purpose of distributing to such employees the earnings and principal of the fund accumulated by the trust in accordance with such plan, shall not be taxable under this section, but the amount actually distributed or made available to any distributee shall be taxable to him in the year in which so distributed or made available

Profit sharing  
trusts

Tax on distributee

to the extent that it exceeds the amounts paid in by him. Such distributees shall for the purpose of the normal tax be allowed as credits that part of the amount so distributed or made available as represents the items specified in subdivisions (a) and (b) of section 216.

**Evasion of Surtaxes by Incorporation.**

Accumulation of  
gains and profits

Additional tax

Agreed tax on  
stockholders

Evidence of intent  
to evade tax

SEC. 220. That if any corporation, however created or organized, is formed or availed of for the purpose of preventing the imposition of the surtax upon its stockholders or members through the medium of permitting its gains and profits to accumulate instead of being divided or distributed, there shall be levied, collected, and paid for each taxable year upon the net income of such corporation a tax equal to 25 per centum of the amount thereof, which shall be in addition to the tax imposed by section 230 of this title and shall be computed, collected, and paid upon the same basis and in the same manner and subject to the same provisions of law, including penalties, as that tax: *Provided*, That if all the stockholders or members of such corporation agree thereto, the Commissioner may, in lieu of all income, war-profits and excess-profits taxes imposed upon the corporation for the taxable year, tax the stockholders or members of such corporation upon their distributive shares in the net income of the corporation for the taxable year in the same manner as provided in subdivision (a) of section 218 in the case of members of a partnership. The fact that any corporation is a mere holding company, or that the gains and profits are permitted to accumulate beyond the reasonable needs of the business, shall be prima facie evidence of a purpose to escape the surtax; but the fact that the gains and profits are in any case permitted to accumulate and become surplus shall not be construed as evidence of a purpose to escape the tax in such case unless the Commissioner certifies that

in his opinion such accumulation is unreasonable for the purposes of the business. When requested by the Commissioner, or any collector, every corporation shall forward to him a correct statement of such gains and profits and the names and addresses of the individuals or shareholders who would be entitled to the same if divided or distributed, and of the amounts that would be payable to each.

**Payment of Individual's Tax at Source.**

**SEC. 221.** (a) That all individuals, corporations, and partnerships, in whatever capacity acting, including lessees or mortgagors of real or personal property, fiduciaries, employers, and all officers and employees of the United States having the control, receipt, custody, disposal, or payment of interest (except interest on deposits with persons carrying on the banking business paid to persons not engaged in business in the United States and not having an office or place of business therein), rent, salaries, wages, premiums, annuities, compensations, remunerations, emoluments, or other fixed or determinable annual or periodical gains, profits, and income, of any nonresident alien individual or partnership composed in whole or in part of nonresident aliens (other than income received as dividends of the class allowed as a credit by subdivision (a) of section 216) shall (except in the cases provided for in subdivision (b) and except as otherwise provided in regulations prescribed by the Commissioner under section 217) deduct and withhold from such annual or periodical gains, profits, and income a tax equal to 8 per centum thereof: *Provided*, That the Commissioner may authorize such tax to be deducted and withheld from the interest upon any securities the owners of which are not known to the withholding agent.

Withholding at source against nonresident alien individuals and partnerships

Deposit interest excepted

Certain dividends excepted

Interest of unknown owners

(b) In any case where bonds, mortgages, or deeds of trust, or other similar obligations of a cor-



Tax free covenant  
bond interest  
payable to  
individuals or  
partnerships

To unknown owners

Claim for exemption  
from withholding

Returns by  
withholding agents

poration contain a contract or provision by which the obligor agrees to pay any portion of the tax imposed by this title upon the obligee, or to reimburse the obligee for any portion of the tax, or to pay the interest without deduction for any tax which the obligor may be required or permitted to pay thereon, or to retain therefrom under any law of the United States, the obligor shall deduct and withhold a tax equal to 2 per centum of the interest upon such bonds, mortgages, deeds of trust, or other obligations, whether such interest is payable annually or at shorter or longer periods and whether payable to a nonresident alien individual or to an individual citizen or resident of the United States or to a partnership: *Provided*, That the Commissioner may authorize such tax to be deducted and withheld in the case of interest upon any such bonds, mortgages, deeds of trust, or other obligations, the owners of which are not known to the withholding agent. Such deduction and withholding shall not be required in the case of a citizen or resident entitled to receive such interest, if he files with the withholding agent on or before February 1 a signed notice in writing claiming the benefit of the credits provided in subdivisions (c) and (d) of section 216; nor in the case of a nonresident alien individual if so provided for in regulations prescribed by the Commissioner under subdivision (g) of section 217.

(c) Every individual, corporation, or partnership required to deduct and withhold any tax under this section shall make return thereof on or before March 1 of each year and shall on or before June 15 pay the tax to the official of the United States government authorized to receive it. Every such individual, corporation, or partnership is hereby made liable for such tax and is hereby indemnified against the claims and demands of any individual, corporation, or partnership for the amount of any

payments made in accordance with the provisions of this section.

(d) Income upon which any tax is required to be withheld at the source under this section shall be included in the return of the recipient of such income, but any amount of tax so withheld shall be credited against the amount of income tax as computed in such return. Credit for tax withheld

(e) If any tax required under this section to be deducted and withheld is paid by the recipient of the income, it shall not be re-collected from the withholding agent; nor in cases in which the tax is so paid shall any penalty be imposed upon or collected from the recipient of the income or the withholding agent for failure to return or pay the same, unless such failure was fraudulent and for the purpose of evading payment. Duplication of payments

#### Credit for Taxes in Case of Individuals.

SEC. 222. (a) That the tax computed under Part II of this title shall be credited with: Credit for foreign tax allowed to:

(1) In the case of a citizen of the United States, the amount of any income, war-profits and excess-profits taxes paid during the taxable year to any foreign country or to any possession of the United States; and Citizens

(2) In the case of a resident of the United States, the amount of any such taxes paid during the taxable year to any possession of the United States; and Residents

(3) In the case of an alien resident of the United States, the amount of any such taxes paid during the taxable year to any foreign country, if the foreign country of which such alien resident is a citizen or subject, in imposing such taxes, allows a similar credit to citizens of the United States residing in such country; and Resident aliens

(4) In the case of any such individual who is a member of a partnership or a beneficiary of an estate or trust, his proportionate share of such Partners and beneficiaries of estates or trusts

taxes of the partnership or the estate or trust paid during the taxable year to a foreign country or to any possession of the United States, as the case may be.

**Limitation on  
credits**

(5) The above credits shall not be allowed in the case of a citizen entitled to the benefits of section 262; and in no other case shall the amount of credit taken under this subdivision exceed the same proportion of the tax, against which such credit is taken, which the taxpayer's net income (computed without deduction for any income, war-profits and excess-profits taxes imposed by any foreign country or possession of the United States) from sources without the United States bears to his entire net income (computed without such deduction) for the same taxable year.

**Adjustment of  
accrued taxes**

(b) If accrued taxes when paid differ from the amounts claimed as credits by the taxpayer, or if any tax paid is refunded in whole or in part, the taxpayer shall notify the Commissioner, who shall redetermine the amount of the tax due under Part II of this title for the year or years affected, and the amount of tax due upon such redetermination, if any, shall be paid by the taxpayer upon notice and demand by the collector, or the amount of tax overpaid, if any, shall be credited or refunded to the taxpayer in accordance with the provisions of section 252. In the case of such a tax accrued but not paid, the Commissioner as a condition precedent to the allowance of this credit may require the taxpayer to give a bond with sureties satisfactory to and to be approved by the Commissioner in such penal sum as the Commissioner may require, conditioned for the payment by the taxpayer of any amount of tax found due upon any such redetermination; and the bond herein prescribed shall contain such further conditions as the Commissioner may require.

**Surety**

(c) These credits shall be allowed only if the taxpayer furnishes evidence satisfactory to the Commissioner showing the amount of income derived from sources without the United States, and all other information necessary for the verification and computation of such credits. Evidence required

(d) If the taxpayer makes a return for a fiscal year beginning in 1920 and ending in 1921, the credit for the entire fiscal year shall, notwithstanding any provision of this Act, be determined under the provisions of this section; and the Commissioner is authorized to disallow, in whole or part, any such credit which he finds has already been taken by the taxpayer. Fiscal year  
ending in 1921

#### Individual Returns.

SEC. 223. (a) That the following individuals shall each make under oath a return stating specifically the items of his gross income and the deductions and credits allowed under this title—

(1) Every individual having a net income for the taxable year of \$1,000 or over, if single, or if married and not living with husband or wife; Single person

(2) Every individual having a net income for the taxable year of \$2,000 or over, if married and living with husband or wife; and Married person

(3) Every individual having a gross income for the taxable year of \$5,000 or over, regardless of the amount of his net income. Persons with gross  
income of \$5,000  
or over

(b) If a husband and wife living together have an aggregate net income for the taxable year of \$2,000 or over, or an aggregate gross income for such year of \$5,000 or over— Husband and wife

(1) Each shall make such a return, or Separate returns

(2) The income of each shall be included in a single joint return, in which case the tax shall be computed on the aggregate income. Joint returns

(c) If the taxpayer is unable to make his own return, the return shall be made by a duly author- Return by agent



ized agent or by the guardian or other person charged with the care of the person or property of such taxpayer.

#### Partnership Returns.

##### Returns required

SEC. 224. That every partnership shall make a return for each taxable year, stating specifically the items of its gross income and the deductions allowed by this title, and shall include in the return the names and addresses of the individuals who would be entitled to share in the net income if distributed and the amount of the distributive share of each individual. The return shall be sworn to by any one of the partners.

#### Fiduciary Returns.

##### Returns required for:

SEC. 225. (a) That every fiduciary (except a receiver appointed by authority of law in possession of part only of the property of an individual) shall make under oath a return for any of the following individuals, estates, or trusts for which he acts, stating specifically the items of gross income thereof and the deductions and credits allowed under this title—

##### Single person

(1) Every individual having a net income for the taxable year of \$1,000 or over, if single, or if married and not living with husband or wife;

##### Married person

(2) Every individual having a net income for the taxable year of \$2,000 or over, if married and living with husband or wife;

##### Gross income \$5,000 or over

(3) Every individual having a gross income for the taxable year of \$5,000 or over, regardless of the amount of his net income;

##### Estate or trust

(4) Every estate or trust the net income of which for the taxable year is \$1,000 or over; and

(5) Every estate or trust of which any beneficiary is a nonresident alien.

##### Joint fiduciaries

(b) Under such regulations as the Commissioner with the approval of the Secretary may pre-

scribe a return made by one of two or more joint fiduciaries and filed in the office of the collector of the district where such fiduciary resides shall be sufficient compliance with the above requirement. Such fiduciary shall make oath (1) that he has sufficient knowledge of the affairs of the individual, estate or trust for which the return is made, to enable him to make the return, and (2) that the return is, to the best of his knowledge and belief, true and correct. Any fiduciary required to make a return under this Act shall be subject to all the provisions of this Act which apply to individuals.

**Returns for a Period of Less than Twelve Months.**

SEC. 226. (a) That if a taxpayer, with the approval of the Commissioner, changes the basis of computing net income from fiscal year to calendar year a separate return shall be made for the period between the close of the last fiscal year for which return was made and the following December 31. If the change is from calendar year to fiscal year, a separate return shall be made for the period between the close of the last calendar year for which return was made and the date designated as the close of the fiscal year. If the change is from one fiscal year to another fiscal year a separate return shall be made for the period between the close of the former fiscal year and the date designated as the close of the new fiscal year.

Change of  
accounting  
period

(b) In all cases where a separate return is made for a part of a taxable year the net income shall be computed on the basis of such period for which separate return is made, and the tax shall be paid thereon at the rate for the calendar year in which such period is included.

Computation of  
net income

(c) In the case of a return for a period of less than one year the net income shall be placed on an annual basis by multiplying the amount thereof by

Placing income on  
annual basis

twelve and dividing by the number of months included in such period; and the tax shall be such part of a tax computed on such annual basis as the number of months in such period is of twelve months.

**Time and Place for Filing Individual, Partnership, and  
Fiduciary Returns.**

**Date for filing  
returns**

SEC. 227. (a) That returns (except in the case of nonresident aliens) shall be made on or before the fifteenth day of the third month following the close of the fiscal year, or, if the return is made on the basis of the calendar year, then the return shall be made on or before the 15th day of March. In the case of a nonresident alien individual returns shall be made on or before the fifteenth day of the sixth month following the close of the fiscal year, or, if the return is made on the basis of the calendar year, then the return shall be made on or before the 15th day of June. The Commissioner may grant a reasonable extension of time for filing returns whenever in his judgment good cause exists and shall keep a record of every such extension and the reason therefor. Except in the case of taxpayers who are abroad, no such extension shall be for more than six months.

**Extension of time**

**Place of filing**

(b) Returns shall be made to the collector for the district in which is located the legal residence or principal place of business of the person making the return, or, if he has no legal residence or principal place of business in the United States, then to the collector at Baltimore, Maryland.

**Understatement in Returns.**

**Correction**

SEC. 228. That if the collector or deputy collector has reason to believe that the amount of any income returned is understated, he shall give due notice to the taxpayer making the return to show cause why the amount of the return should not be

increased, and upon proof of the amount understated, may increase the same accordingly. Such taxpayer may furnish sworn testimony to prove any relevant facts and if dissatisfied with the decision of the collector may appeal to the Commissioner for his decision, under such rules of procedure as may be prescribed by the Commissioner with the approval of the Secretary.

**Incorporation of Individual or Partnership Business.**

SEC. 229. That in the case of the organization as a corporation within four months after the passage of this Act of any trade or business in which capital is a material income-producing factor, and which was previously owned by a partnership or individual, the net income of such trade or business from January 1, 1921, to the date of such organization may at the option of the individual or partnership be taxed as the net income of a corporation is taxed under Titles II and III; in which event the net income and invested capital of such trade or business shall be computed as if such corporation had been in existence on and after January 1, 1921, and the undistributed profits or earnings of such trade or business shall not be subject to the surtaxes imposed in section 211, but amounts distributed on and after January 1, 1921, from the earnings or profits of such trade or business accumulated after December 31, 1920, shall be taxed to the recipients as dividends; and all the provisions of Titles II and III relating to corporations shall so far as practicable apply to such trade or business: *Provided*, That this section shall not apply to any trade or business, the net income of which for the taxable year 1921 was less than 20 per centum of its invested capital for such year: *Provided further*, That any taxpayer who takes advantage of this section shall pay the tax imposed by section 1000 of the Revenue Act of 1918 as if

Option of being  
taxed as  
corporation

Exception



such taxpayer had been a corporation on and after January 1, 1921.

### Part III.—Corporations.

#### Tax on Corporations.

Corporation  
income tax

SEC. 230. That, in lieu of the tax imposed by section 230 of the Revenue Act of 1918, there shall be levied, collected, and paid for each taxable year upon the net income of every corporation a tax at the following rates:

1921 rate

(a) For the calendar year 1921, 10 per centum of the amount of the net income in excess of the credits provided in section 236; and

Rate for succeeding  
years

(b) For each calendar year thereafter,  $12\frac{1}{2}$  per centum of such excess amount.

#### Conditional and Other Exemptions of Corporations.

SEC. 231. That the following organizations shall be exempt from taxation under this title—

Labor and  
agricultural  
organizations

(1) Labor, agricultural, or horticultural organizations;

Mutual savings  
banks

(2) Mutual savings banks not having a capital stock represented by shares;

Fraternal societies

(3) Fraternal beneficiary societies, orders, or associations, (a) operating under the lodge system or for the exclusive benefit of the members of a fraternity itself operating under the lodge system; and (b) providing for the payment of life, sick, accident, or other benefits to the members of such society, order, or association or their dependents;

Building and loan  
associations, etc.

(4) Domestic building and loan associations substantially all the business of which is confined to making loans to members; and cooperative banks without capital stock organized and operated for mutual purposes and without profit;

Cemetery companies

(5) Cemetery companies owned and operated exclusively for the benefit of their members or which are not operated for profit; and any corpora-

tion chartered solely for burial purposes as a cemetery corporation and not permitted by its charter to engage in any business not necessarily incident to that purpose, no part of the net earnings of which inures to the benefit of any private stockholder or individual;

(6) Corporations, and any community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private stockholder or individual;

Educational or  
charitable  
corporations

(7) Business leagues, chambers of commerce, or boards of trade, not organized for profit and no part of the net earnings of which inures to the benefit of any private stockholder or individual;

Chambers of  
commerce

(8) Civic leagues or organizations not organized for profit but operated exclusively for the promotion of social welfare;

Civic leagues

(9) Clubs organized and operated exclusively for pleasure, recreation, and other nonprofitable purposes, no part of the net earnings of which inures to the benefit of any private stockholder or member;

Recreation clubs

(10) Farmers' or other mutual hail, cyclone, or fire insurance companies, mutual ditch or irrigation companies, mutual or cooperative telephone companies, or like organizations of a purely local character, the income of which consists solely of assessments, dues, and fees collected from members for the sole purpose of meeting expenses;

Local mutual  
organizations

(11) Farmers', fruit growers', or like associations, organized and operated as sales agents for the purpose of marketing the products of members and turning back to them the proceeds of sales, less the necessary selling expenses, on the basis of the quantity of produce furnished by them; or organized and operated as purchasing agents for the

Cooperative  
selling  
agencies

purpose of purchasing supplies and equipment for the use of members and turning over such supplies and equipment to such members at actual cost, plus necessary expenses;

Holding corporations  
for exempt  
organizations

(12) Corporations organized for the exclusive purpose of holding title to property, collecting income therefrom, and turning over the entire amount thereof, less expenses, to an organization which itself is exempt from the tax imposed by this title;

Federal land banks  
and farm-loan  
associations

(13) Federal land banks and national farm-loan associations as provided in section 26 of the Act approved July 17, 1916, entitled "An Act to provide capital for agricultural development, to create standard forms of investment based upon farm mortgage, to equalize rates of interest upon farm loans, to furnish a market for United States bonds, to create Government depositaries and financial agents for the United States, and for other purposes";

Personal service  
corporations

(14) Personal service corporations. This subdivision shall not be in effect after December 31, 1921.

#### Net Income of Corporations Defined.

Basis of  
computation

SEC. 232. That in the case of a corporation subject to the tax imposed by section 230 the term "net income" means the gross income as defined in section 233 less the deductions allowed by section 234, and the net income shall be computed on the same basis as is provided in subdivision (b) of section 212 or in section 226. In the case of a foreign corporation or of a corporation entitled to the benefits of section 262 the computation shall also be made in the manner provided in section 217.

#### Gross Income of Corporations Defined.

SEC. 233. (a) That in the case of a corporation subject to the tax imposed by section 230 the

term "gross income" means the gross income as defined in sections 213 and 217, except that mutual marine insurance companies shall include in gross income the gross premiums collected and received by them less amounts paid for reinsurance.

Mutual marine  
insurance  
companies

(b) In the case of a foreign corporation, gross income means only gross income from sources within the United States, determined (except in the case of insurance companies subject to the tax imposed by section 243 or 246) in the manner provided in section 217.

Foreign  
corporations

#### Deductions Allowed Corporations.

SEC. 234. (a) That in computing the net income of a corporation subject to the tax imposed by section 230 there shall be allowed as deductions:

(1) All the ordinary and necessary expenses paid or incurred during the taxable year in carrying on any trade or business, including a reasonable allowance for salaries or other compensation for personal services actually rendered, and including rentals or other payments required to be made as a condition to the continued use or possession of property to which the corporation has not taken or is not taking title, or in which it has no equity;

Business expenses

(2) All interest paid or accrued within the taxable year on its indebtedness, except on indebtedness incurred or continued to purchase or carry obligations or securities (other than obligations of the United States issued after September 24, 1917, and originally subscribed for by the taxpayer) the interest upon which is wholly exempt from taxation under this title;

Interest

(3) Taxes paid or accrued within the taxable year except (a) income, war-profits, and excess-profits taxes imposed by the authority of the United States, (b) so much of the income, war-profits and excess-profits taxes imposed by the authority of any foreign country or possession of the United States

Taxes



Exception: tax paid  
under tax-free  
covenant

as is allowed as a credit under section 238, and (c) taxes assessed against local benefits of a kind tending to increase the value of the property assessed. In the case of obligors specified in subdivision (b) of section 221 no deduction for the payment of the tax imposed by this title, or any other tax paid pursuant to the contract or provision referred to in that subdivision, shall be allowed, nor shall such tax be included in the gross income of the obligee. The deduction allowed by this paragraph shall be allowed in the case of taxes imposed upon a shareholder or member of a corporation upon his interest as shareholder or member, which are paid by the corporation without reimbursement from the shareholder or member, but in such cases no deduction shall be allowed the shareholder or member for the amount of such taxes. For the purpose of this paragraph, estate, inheritance, legacy, and succession taxes accrue on the due date thereof except as otherwise provided by the law of the jurisdiction imposing such taxes;

Losses

(4) Losses sustained during the taxable year and not compensated for by insurance or otherwise; unless, in order to clearly reflect the income, the loss should in the opinion of the Commissioner be accounted for as of a different period. No deduction shall be allowed for any loss claimed to have been sustained in any sale or other disposition of shares of stock or securities made after the passage of this Act where it appears that within 30 days before or after the date of such sale or other disposition the taxpayer has acquired (otherwise than by bequest or inheritance) substantially identical property, and the property so acquired is held by the taxpayer for any period after such sale or other disposition, unless such claim is made by a dealer in stock or securities and with respect to a transaction made in the ordinary course of its business. If such acquisition is to the extent of part only of substan-

Repurchase of  
securities

tially identical property, then only a proportionate part of the loss shall be disallowed. In case of losses arising from destruction of or damage to property, where the property so destroyed or damaged was acquired before March 1, 1913, the deduction shall be computed upon the basis of its fair market price or value as of March 1, 1913;

(5) Debts ascertained to be worthless and charged off within the taxable year (or in the discretion of the Commissioner, a reasonable addition to a reserve for bad debts); and when satisfied that a debt is recoverable only in part, the Commissioner may allow such debt to be charged off in part;

Debts

(6) The amount received as dividends (A) from a domestic corporation other than a corporation entitled to the benefits of section 262, or (B) from any foreign corporation when it is shown to the satisfaction of the Commissioner that more than 50 per centum of the gross income of such foreign corporation for the three-year period ending with the close of its taxable year preceding the declaration of such dividends (or for such part of such period as the foreign corporation has been in existence) was derived from sources within the United States as determined under section 217;

Dividends from  
taxable  
corporations

(7) A reasonable allowance for the exhaustion, wear and tear of property used in the trade or business, including a reasonable allowance for obsolescence. In the case of such property acquired before March 1, 1913, this deduction shall be computed upon the basis of its fair market price or value as of March 1, 1913;

Depreciation and  
obsolescence

(8) In the case of buildings, machinery, equipment, or other facilities, constructed, erected, installed, or acquired, on or after April 6, 1917, for the production of articles contributing to the prosecution of the war against the German Government, and in the case of vessels constructed or acquired on or after such date for the transportation of articles

Amortization  
facilities for war  
production

Review of  
amortization  
deduction

or men contributing to the prosecution of such war, there shall be allowed, for any taxable year ending before March 3, 1924 (if claim therefor was made at the time of filing return for the taxable year 1918, 1919, 1920, or 1921) a reasonable deduction for the amortization of such part of the cost of such facilities or vessels as has been borne by the taxpayer, but not again including any amount otherwise allowed under this title or previous Acts of Congress as a deduction in computing net income. At any time before March 3, 1924, the Commissioner may, and at the request of the taxpayer shall, reexamine the return, and if he then finds as a result of an appraisal or from other evidence that the deduction originally allowed was incorrect, the income, war-profits, and excess-profits taxes for the year or years affected shall be redetermined and the amount of tax due upon such redetermination, if any, shall be paid upon notice and demand by the collector, or the amount of tax overpaid, if any, shall be credited or refunded to the taxpayer in accordance with the provisions of section 252;

Depletion of  
natural  
resources

(9) In the case of mines, oil and gas wells, other natural deposits, and timber, a reasonable allowance for depletion and for depreciation of improvements, according to the peculiar conditions in each case, based upon cost including cost of development not otherwise deducted: *Provided*, That in the case of such properties acquired prior to March 1, 1913, the fair market value of the property (or the taxpayer's interest therein) on that date shall be taken in lieu of cost up to that date: *Provided further*, That in the case of mines, oil and gas wells, discovered by the taxpayer, on or after March 1, 1913, and not acquired as the result of purchase of a proven tract or lease, where the fair market value of the property is materially disproportionate to the cost, the depletion allowance shall be based upon the fair market value of the property at the date of

the discovery, or within thirty days thereafter: *And provided further*, That such depletion allowance based on discovery value shall not exceed the net income, computed without allowance for depletion, from the property upon which the discovery is made, except where such net income so computed is less than the depletion allowance based on cost or fair market value as of March 1, 1913; such reasonable allowance in all the above cases to be made under rules and regulations to be prescribed by the Commissioner with the approval of the Secretary. In the case of leases the deductions allowed by this paragraph shall be equitably apportioned between the lessor and lessee;

Limitation

(10) In the case of insurance companies (other than life insurance companies), in addition to the above (unless otherwise allowed): (A) The net addition required by law to be made within the taxable year to reserve funds (including in the case of assessment insurance companies the actual deposit of sums with State or Territorial officers pursuant to law as additions to guarantee or reserve funds); and (B) the sums other than dividends paid within the taxable year on policy and annuity contracts. After December 31, 1921, this subdivision shall apply only to mutual insurance companies other than life insurance companies;

Insurance companies

(11) In the case of corporations (except those taxed under section 243) issuing policies covering life, health, and accident insurance combined in one policy issued on the weekly premium payment plan continuing for life and not subject to cancellation, in addition to the above, such portion of the net addition (not required by law) made within the taxable year to reserve funds as the Commissioner finds to be required for the protection of the holders of such policies only. This subdivision shall not be in effect after December 31, 1921;

Weekly premium insurance companies



**Mutual marine  
insurance  
companies**

(12) In the case of mutual marine insurance companies, there shall be allowed, in addition to the deductions allowed in paragraphs (1) to (10), inclusive, and paragraph (14), unless otherwise allowed, amounts repaid to policyholders on account of premiums previously paid by them, and interest paid upon such amounts between the ascertainment and the payment thereof;

**Other mutual  
insurance  
companies**

(13) In the case of mutual insurance companies (including interinsurers and reciprocal underwriters, but not including mutual life or mutual marine insurance companies) requiring their members to make premium deposits to provide for losses and expenses, there shall be allowed, in addition to the deductions allowed in paragraphs (1) to (10), inclusive, and paragraph (14), unless otherwise allowed, the amount of premium deposits returned to their policyholders and the amount of premium deposits retained for the payment of losses, expenses, and reinsurance reserves;

**Proportion of gain  
on property  
involuntarily  
converted**

(14) If property is compulsorily or involuntarily converted into cash or its equivalent as a result of (A) its destruction in whole or in part, (B) theft or seizure, or (C) an exercise of the power of requisition or condemnation, or the threat or imminence thereof; and if the taxpayer proceeds forthwith in good faith, under regulations prescribed by the Commissioner with the approval of the Secretary, to expend the proceeds of such conversion in the acquisition of other property of a character similar or related in service or use to the property so converted, or in the acquisition of 80 per centum or more of the stock or shares of a corporation owning such other property, or in the establishment of a replacement fund, then there shall be allowed as a deduction such portion of the gain derived as the portion of the proceeds so expended bears to the entire proceeds. The provisions of this paragraph prescribing the conditions under which a deduction

**Conditions**

may be taken in respect of the proceeds or gains derived from the compulsory or involuntary conversion of property into cash or its equivalent, shall apply so far as may be practicable to the exemption or exclusion of such proceeds or gains from gross income under prior income, war-profits and excess-profits tax Acts.

(b) In the case of a foreign corporation or of a corporation entitled to the benefits of section 262 the deductions allowed in subdivision (a) shall be allowed only if and to the extent that they are connected with income from sources within the United States; and the proper apportionment and allocation of the deductions with respect to sources within and without the United States shall be determined as provided in section 217 under rules and regulations prescribed by the Commissioner with the approval of the Secretary.

Deductions  
allowed foreign  
corporations

#### Items Not Deductible by Corporations.

SEC. 235. That in computing net income no deduction shall in any case be allowed in respect of any of the items specified in section 215.

#### Credits Allowed Corporations.

SEC. 236. That for the purpose only of the tax imposed by section 230 there shall be allowed the following credits:

Credits for  
income tax

(a) The amount received as interest upon obligations of the United States and bonds issued by the War Finance Corporation, which is included in gross income under section 233;

Interest on  
Government and  
War Finance  
Corporation bonds

(b) In the case of a domestic corporation the net income of which is \$25,000 or less, a specific credit of \$2,000; but if the net income is more than \$25,000 the tax imposed by section 230 shall not exceed the tax which would be payable if the \$2,000 credit were allowed, plus the amount of the net income in excess of \$25,000; and

Specific exemption

Profits tax for  
same year:

(c) The amount of any war-profits and excess-profits taxes imposed by Act of Congress for the same taxable year. The credit allowed by this subdivision shall be determined as follows:

Computation for  
fiscal year 1921

(1) In the case of a corporation which makes return for a fiscal year beginning in 1920 and ending in 1921, in computing the income tax as provided in subdivision (a) of section 205, the portion of the war-profits and excess-profits tax computed for the entire period under clause (1) of subdivision (a) of section 335 shall be credited against the net income computed for the entire period as provided in clause (1) of subdivision (a) of section 205, and the portion of the war-profits and excess-profits tax computed for the entire period under clause (2) of subdivision (a) of section 335 shall be credited against the net income computed for the entire period as provided in clause (2) of subdivision (a) of section 205.

Fiscal year 1922

(2) In the case of a corporation which makes return for a fiscal year beginning in 1921 and ending in 1922, in computing the income tax as provided in subdivision (b) of section 205, the war-profits and excess-profits tax computed under subdivision (b) of section 335 shall be credited against the net income computed for the entire period as provided in clause (1) of subdivision (b) of section 205.

#### Payment of Corporation Income Tax at Source.

Withholding  
against  
nonresident foreign  
corporations

SEC. 237. That in the case of foreign corporations subject to taxation under this title not engaged in trade or business within the United States and not having any office or place of business therein, there shall be deducted and withheld at the source in the same manner and upon the same items of income as is provided in section 221 a tax equal to  $12\frac{1}{2}$  per centum thereof (but during the calendar year 1921 only 10 per centum), and such tax

Rates

shall be returned and paid in the same manner and subject to the same conditions as provided in that section: *Provided*, That in the case of interest described in subdivision (b) of that section the deduction and withholding shall be at the rate of 2 per centum.

Tax-free  
covenant bond  
interest

#### Credit for Taxes in Case of Corporations.

SEC. 238. (a) That in the case of a domestic corporation the tax imposed by this title, plus the war-profits and excess-profits taxes, if any, shall be credited with the amount of any income, war-profits, and excess-profits taxes paid during the same taxable year to any foreign country, or to any possession of the United States: *Provided*, That the amount of credit taken under this subdivision shall in no case exceed the same proportion of the taxes, against which such credit is taken, which the taxpayer's net income (computed without deduction for any income, war-profits, and excess-profits taxes imposed by any foreign country or possession of the United States) from sources without the United States bears to its entire net income (computed without such deduction) for the same taxable year. In the case of domestic insurance companies subject to the tax imposed by section 243 or 246, the term "net income" as used in this subdivision means net income as defined in sections 245 and 246, respectively.

Income and profits  
taxes paid foreign  
countries, etc.

Limitation

(b) If accrued taxes when paid differ from the amounts claimed as credits by the corporation, or if any tax paid is refunded in whole or in part, the corporation shall at once notify the Commissioner, who shall redetermine the amount of the income, war-profits and excess-profits taxes for the year or years affected, and the amount of taxes due upon such redetermination, if any, shall be paid by the corporation upon notice and demand by the collector, or the amount of taxes overpaid, if any, shall

Adjustment of credit  
for accrued taxes



Surety

be credited or refunded to the corporation in accordance with the provisions of section 252. In the case of such a tax accrued but not paid, the Commissioner as a condition precedent to the allowance of this credit may require the corporation to give a bond with sureties satisfactory to and to be approved by him in such penal sum as he may require, conditioned for the payment by the taxpayer of any amount of taxes found due upon any such redetermination; and the bond herein prescribed shall contain such further conditions as the Commissioner may require.

Evidence required

(c) These credits shall be allowed only if the taxpayer furnishes evidence satisfactory to the Commissioner showing the amount of income derived from sources without the United States, and all other information necessary for the verification and computation of such credit.

Fiscal year 1921

(d) If a domestic corporation makes a return for a fiscal year beginning in 1920 and ending in 1921, the credit for the entire fiscal year shall, notwithstanding any provision of this Act, be determined under the provisions of this section; and the Commissioner is authorized to disallow, in whole or in part, any such credit which he finds has already been taken by the taxpayer.

Corporation  
controlling foreign  
corporation

(e) For the purposes of this section a domestic corporation which owns a majority of the voting stock of a foreign corporation from which it receives dividends (not deductible under section 234) in any taxable year shall be deemed to have paid the same proportion of any income, war-profits, or excess-profits taxes paid by such foreign corporation to any foreign country or to any possession of the United States, upon or with respect to the accumulated profits of such foreign corporation from which such dividends were paid, which the amount of such dividends bears to the amount of such accumulated profits: *Provided*, That the credit allowed to any

domestic corporation under this subdivision shall in no case exceed the same proportion of the taxes against which it is credited, which the amount of such dividends bears to the amount of the entire net income of the domestic corporation in which such dividends are included. The term "accumulated profits" when used in this subdivision in reference to a foreign corporation, means the amount of its gains, profits, or income in excess of the income, war-profits, and excess-profits taxes imposed upon or with respect to such profits or income; and the Commissioner with the approval of the Secretary shall have full power to determine from the accumulated profits of what year or years such dividends were paid; treating dividends paid in the first sixty days of any year as having been paid from the accumulated profits of the preceding year or years (unless to his satisfaction shown otherwise), and in other respects treating dividends as having been paid from the most recently accumulated gains, profits, or earnings. In the case of a foreign corporation, the income, war-profits, and excess-profits taxes of which are determined on the basis of an accounting period of less than one year, the word "year" as used in this subdivision shall be construed to mean such accounting period.

Limitation

Accumulated profits

Allocation

(f) For the purposes of this section a corporation entitled to the benefits of section 262 shall be treated as a foreign corporation.

#### Corporation Returns.

SEC. 239. (a) That every corporation subject to taxation under this title and every personal service corporation shall make a return, stating specifically the items of its gross income and the deductions and credits allowed by this title. The return shall be sworn to by the president, vice-president, or other principal officer and by the treasurer or assistant treasurer. If any foreign

Required from  
taxable corporations  
and personal service  
corporations

Agent of foreign  
corporation

Receivers, etc.

Change in accounting  
period;  
understatement

Distributions from  
earnings of  
taxable year

Optional for taxable  
years beginning  
in 1922 or later

corporation has no office or place of business in the United States but has an agent in the United States, the return shall be made by the agent. In cases where receivers, trustees in bankruptcy, or assignees are operating the property or business of corporations, such receivers, trustees, or assignees shall make returns for such corporations in the same manner and form as corporations are required to make returns. Any tax due on the basis of such returns made by receivers, trustees, or assignees shall be collected in the same manner as if collected from the corporations of whose business or property they have custody and control.

(b) Returns made under this section shall be subject to the provisions of sections 226 and 228. When return is made under section 226 the credit provided in subdivision (b) of section 236 shall be reduced to an amount which bears the same ratio to the full credit therein provided as the number of months in the period for which such return is made bears to twelve months.

(c) There shall be included in the return or appended thereto a statement of such facts as will enable the Commissioner to determine the portion of the earnings or profits of the corporation (including gains, profits and income not taxed) accumulated during the taxable year for which the return is made, which have been distributed or ordered to be distributed, respectively, to its stockholders or members during such year.

#### Consolidated Returns of Corporations.

SEC. 240. (a) That corporations which are affiliated within the meaning of this section may, for any taxable year beginning on or after January 1, 1922, make separate returns or, under regulations prescribed by the Commissioner with the approval of the Secretary, make a consolidated return of net income for the purpose of this title, in which

case the taxes thereunder shall be computed and determined upon the basis of such return. If return is made on either of such bases, all returns thereafter made shall be upon the same basis unless permission to change the basis is granted by the Commissioner.

(b) In any case in which a tax is assessed upon the basis of a consolidated return, the total tax shall be computed in the first instance as a unit and shall then be assessed upon the respective affiliated corporations in such proportions as may be agreed upon among them, or, in the absence of any such agreement, then on the basis of the net income properly assignable to each. There shall be allowed in computing the income tax only one specific credit computed as provided in subdivision (b) of section 236.

Apportionment of tax

(c) For the purpose of this section two or more domestic corporations shall be deemed to be affiliated (1) if one corporation owns directly or controls through closely affiliated interests or by a nominee or nominees substantially all the stock of the other or others, or (2) if substantially all the stock of two or more corporations is owned or controlled by the same interests.

Affiliated corporations

(d) For the purposes of this section a corporation entitled to the benefits of section 262 shall be treated as a foreign corporation: *Provided*, That in any case of two or more related trades or businesses (whether unincorporated or incorporated and whether organized in the United States or not) owned or controlled directly or indirectly by the same interests, the Commissioner may consolidate the accounts of such related trades and businesses, in any proper case, for the purpose of making an accurate distribution or apportionment of gains, profits, income, deductions, or capital between or among such related trades or businesses.

Certain domestic corporations classified with foreign corporations



Required for years  
beginning before  
1922

(e) Corporations which are affiliated within the meaning of this section shall make consolidated returns for any taxable year beginning prior to January 1, 1922, in the same manner and subject to the same conditions as provided by the Revenue Act of 1918.

#### Time and Place for Filing Corporate Returns.

When to be filed

SEC. 241. (a) That returns of corporations shall be made at the same time as is provided in subdivision (a) of section 227, except that in the case of foreign corporations not having any office or place of business in the United States returns shall be made at the same time as provided in section 227 in the case of a nonresident alien individual.

Where to be filed

(b) Returns shall be made to the collector of the district in which is located the principal place of business or principal office or agency of the corporation, or, if it has no principal place of business or principal office or agency in the United States, then to the collector at Baltimore, Maryland.

#### Taxes on Insurance Companies.

Definition

SEC. 242. That when used in this title the term "life insurance company" means an insurance company engaged in the business of issuing life insurance and annuity contracts (including contracts of combined life, health, and accident insurance), the reserve funds of which held for the fulfillment of such contracts comprise more than 50 per centum of its total reserve funds.

Exempt from capital  
stock and excess  
profits taxes

SEC. 243. That in lieu of the taxes imposed by sections 230 and 1000 and by Title III, there shall be levied, collected, and paid for the calendar year 1921 and for each taxable year thereafter upon the net income of every life insurance company a tax as follows:

Domestic companies

(1) In the case of a domestic life insurance company, the same percentage of its net income as is imposed upon other corporations by section 230;

(2) In the case of a foreign life insurance company, the same percentage of its net income from sources within the United States as is imposed upon the net income of other corporations by section 230. **Foreign companies**

SEC. 244. (a) That in the case of a life insurance company the term "gross income" means the gross amount of income received during the taxable year from interest, dividends, and rents. **Gross income**

(b) The term "reserve funds required by law" includes, in the case of assessment insurance, sums actually deposited by any company or association with State or Territorial officers pursuant to law as guaranty or reserve funds, and any funds maintained under the charter or articles of incorporation of the company or association exclusively for the payment of claims arising under certificates of membership or policies issued upon the assessment plan and not subject to any other use. **Legal reserve**

SEC. 245. (a) That in the case of a life insurance company the term "net income" means the gross income less— **Deductions:**

(1) The amount of interest received during the taxable year which under paragraph (4) of subdivision (b) of section 213 is exempt from taxation under this title; **Exempt interest**

(2) An amount equal to the excess, if any, over the deduction specified in paragraph (1) of this subdivision, of 4 per centum of the mean of the reserve funds required by law and held at the beginning and end of the taxable year, plus (in case of life insurance companies issuing policies covering life, health, and accident insurance combined in one policy issued on the weekly premium payment plan, continuing for life and not subject to cancellation) 4 per centum of the mean of such reserve funds (not required by law) held at the beginning and end of the taxable year, as the Commissioner finds **Four per cent. of mean reserve funds**

to be necessary for the protection of the holders of such policies only;

**Certain dividends**

(3) The amount received as dividends (A) from a domestic corporation other than a corporation entitled to the benefits of section 262, or (B) from any foreign corporation when it is shown to the satisfaction of the Commissioner that more than 50 per centum of the gross income of such foreign corporation for the three-year period ending with the close of its taxable year preceding the declaration of such dividends (or for such part of such period as the foreign corporation has been in existence) was derived from sources within the United States as determined under section 217;

**Two per cent. of deferred dividend reserve**

(4) An amount equal to 2 per centum of any sums held at the end of the taxable year as a reserve for dividends (other than dividends payable during the year following the taxable year) the payment of which is deferred for a period of not less than five years from the date of the policy contract;

**Investment expenses**

(5) Investment expenses paid during the taxable year: *Provided*, That if any general expenses are in part assigned to or included in the investment expenses, the total deduction under this paragraph shall not exceed one-fourth of 1 per centum of the book value of the mean of the invested assets held at the beginning and end of the taxable year;

**Taxes and other real estate expenses**

(6) Taxes and other expenses paid during the taxable year exclusively upon or with respect to the real estate owned by the company, not including taxes assessed against local benefits of a kind tending to increase the value of the property assessed, and not including any amount paid out for new buildings, or for permanent improvements or betterments made to increase the value of any property. The deduction allowed by this paragraph shall be allowed in the case of taxes imposed upon a shareholder or member of a company upon his

**Taxes for shareholders**

interest as shareholder or member, which are paid by the company without reimbursement from the shareholder or member, but in such cases no deduction shall be allowed the shareholder or member for the amount of such taxes;

(7) A reasonable allowance for the exhaustion, wear and tear of property, including a reasonable allowance for obsolescence. In the case of property acquired before March 1, 1913, this deduction shall be computed upon the basis of its fair market price or value as of March 1, 1913; Depreciation

(8) All interest paid or accrued within the taxable year on its indebtedness, except on indebtedness incurred or continued to purchase or carry obligations or securities (other than obligations of the United States issued after September 24, 1917, and originally subscribed for by the taxpayer) the interest upon which is wholly exempt from taxation under this title; Interest

(9) In the case of a domestic life insurance company, the net income of which (computed without the benefit of this paragraph) is \$25,000 or less, the sum of \$2,000; but if the net income is more than \$25,000 the tax imposed by section 243 shall not exceed the tax which would be payable if the \$2,000 credit were allowed, plus the amount of the net income in excess of \$25,000. Specific exemption

(b) No deduction shall be made under paragraphs (6) and (7) of subdivision (a) on account of any real estate owned and occupied in whole or in part by a life insurance company unless there is included in the return of gross income the rental value of the space so occupied. Such rental value shall be not less than a sum which in addition to any rents received from other tenants shall provide a net income (after deducting taxes, depreciation, and all other expenses) at the rate of 4 per centum per annum of the book value at the end of the taxable year of the real estate so owned or occupied. Conditions as to real estate owned



**Net income of  
foreign companies**

(c) In the case of a foreign life insurance company the amount of its net income for any taxable year from sources within the United States shall be the same proportion of its net income for the taxable year from sources within and without the United States, which the reserve funds required by law and held by it at the end of the taxable year upon business transacted within the United States is of the reserve funds held by it at the end of the taxable year upon all business transacted.

**Exempt from capital  
stock tax after 1921**

SEC. 246. (a) That, in lieu of the taxes imposed by sections 230 and 1000, there shall be levied, collected and paid for the calendar year 1922, and for each taxable year thereafter, upon the net income of every insurance company (other than a life or mutual insurance company) a tax as follows:

**Domestic companies**

(1) In the case of such a domestic insurance company the same percentage of its net income as is imposed upon other corporations by section 230;

**Foreign companies**

(2) In the case of such a foreign insurance company the same percentage of its net income from sources within the United States as is imposed upon the net income of other corporations by section 230.

**Definitions:**

(b) In the case of an insurance company subject to the tax imposed by this section—

**Gross income**

(1) The term "gross income" means the combined gross amount, earned during the taxable year, from investment income and from underwriting income as provided in this subdivision, computed on the basis of the underwriting and investment exhibit of the annual statement approved by the National Convention of Insurance Commissioners;

**Net income**

(2) The term "net income" means the gross income as defined in paragraph (1) of this subdivision less the deductions allowed by section 247;

(3) The term "investment income" means the gross amount of income earned during the taxable year from interest, dividends and rents, computed as follows: **Investment income**

To all interest, dividends and rents received during the taxable year, add interest, dividends and rents due and accrued at the end of the taxable year, and deduct all interest, dividends and rents due and accrued at the end of the preceding taxable year;

(4) The term "underwriting income" means the premiums earned on insurance contracts during the taxable year less losses incurred and expenses incurred; **Underwriting income**

(5) The term "premiums earned on insurance contracts during the taxable year" means an amount computed as follows: **Premiums**

From the amount of gross premiums written on insurance contracts during the taxable year, deduct return premiums and premiums paid for reinsurance. To the result so obtained add unearned premiums on outstanding business at the end of the preceding taxable year and deduct unearned premiums on outstanding business at the end of the taxable year;

(6) The term "losses incurred" means losses incurred during the taxable year on insurance contracts, computed as follows: **Losses**

To losses paid during the taxable year, add salvage and reinsurance recoverable outstanding at the end of the preceding taxable year, and deduct salvage and reinsurance recoverable outstanding at the end of the taxable year. To the results so obtained add all unpaid losses outstanding at the end of the taxable year and deduct unpaid losses outstanding at the end of the preceding taxable year;

(7) The term "expenses incurred" means all expenses shown on the annual statement approved **Expenses**

by the National Convention of Insurance Commissioners, and shall be computed as follows:

To all expenses paid during the taxable year add expenses unpaid at the end of the taxable year and deduct expenses unpaid at the end of the preceding taxable year. For the purpose of computing the net income subject to the tax imposed by this section there shall be deducted from expenses incurred as defined in this paragraph all expenses incurred which are not allowed as deductions by section 247.

**Deductions:**

SEC. 247. (a) That in computing the net income of an insurance company subject to the tax imposed by section 246 there shall be allowed as deductions:

**Expenses**

(1) All ordinary and necessary expenses incurred, as provided in paragraph (1) of subdivision (a) of section 234;

**Interest**

(2) All interest as provided in paragraph (2) of subdivision (a) of section 234;

**Taxes**

(3) Taxes as provided in paragraph (3) of subdivision (a) of section 234;

**Losses**

(4) Losses incurred;

**Bad debts**

(5) Bad debts in the nature of agency balances and bills receivable ascertained to be worthless and charged off within the taxable year;

**Dividends**

(6) The amount received as dividends from corporations as provided in paragraph (6) of subdivision (a) of section 234;

**Exempt interest**

(7) The amount of interest earned during the taxable year which under paragraph (4) of subdivision (b) of section 213 is exempt from taxation under this title, and the amount of interest allowed as a credit under subdivision (a) of section 236;

**Depreciation**

(8) A reasonable allowance, for the exhaustion, wear and tear of property, as provided in paragraph (7) of subdivision (a) of section 234;

**Specific exemption**

(9) In the case of such a domestic insurance company, the net income of which (computed without the benefit of this paragraph) is \$25,000 or less,

the sum of \$2,000; but if the net income is more than \$25,000 the tax imposed by section 246 shall not exceed the tax which would be payable if the \$2,000 credit were allowed, plus the amount of the net income in excess of \$25,000.

(b) In the case of a foreign corporation the deductions allowed in this section shall be allowed to the extent provided in subdivision (b) of section 234. Deductions of  
foreign  
companies

(c) Nothing in this section or in section 246 shall be construed to permit the same item to be twice deducted.

#### **Part IV.—Administrative Provisions.**

##### **Payment of Taxes.**

**SEC. 250.** (a) That except as otherwise provided in this section and sections 221 and 237 the tax shall be paid in four installments, each consisting of one-fourth of the total amount of the tax. The first installment shall be paid at the time fixed by law for filing the return, and the second installment shall be paid on the fifteenth day of the third month, the third installment on the fifteenth day of the sixth month, and the fourth installment on the fifteenth day of the ninth month, after the time fixed by law for filing the return. Where an extension of time for filing a return is granted the time for payment of the first installment shall be postponed until the date of the expiration of the period of the extension, but the time for payment of the other installments shall not be postponed unless the Commissioner so provides in granting the extension. In any case in which the time for the payment of any installment is at the request of the taxpayer thus postponed, there shall be added as a part of such installment interest thereon at the rate of one-half of 1 per centum per month from the time it would have been due if no extension had been granted, until paid. If any installment is not paid when due, the whole amount of the tax unpaid shall

**Installment  
payments**

**Extension of time**

**Interest on  
postponed  
installments**

**Nonpayment**



become due and payable upon notice and demand by the collector.

**Single payment**

The tax may at the option of the taxpayer be paid in a single payment instead of installments, in which case the total amount shall be paid on or before the time fixed by law for filing the return, or, where an extension of time for filing the return has been granted, on or before the expiration of the period of such extension.

**Examination of returns**

(b) As soon as practicable after the return is filed, the Commissioner shall examine it. If it then appears that the correct amount of the tax is greater or less than that shown in the return, the installments shall be recomputed. If the amount already paid exceeds that which should have been paid on the basis of the installments as recomputed, the excess so paid shall be credited against the subsequent installments; and if the amount already paid exceeds the correct amount of the tax, the excess shall be credited or refunded to the taxpayer in accordance with the provisions of section 252.

**Adjustment of excess payments**

**Deficiency in payment**

If the amount already paid is less than that which should have been paid, the difference, to the extent not covered by any credits due to the taxpayer under section 252 (hereinafter called "deficiency"), together with interest thereon at the rate of one-half of 1 per centum per month from the time the tax was due (or, if paid on the installment basis, on the deficiency of each installment from the time the installment was due), shall be paid upon notice and demand by the collector. If any part of the deficiency is due to negligence or intentional disregard of authorized rules and regulations with knowledge thereof, but without intent to defraud, there shall be added as part of the tax 5 per centum of the total amount of the deficiency in the tax, and interest in such a case shall be collected at the rate of 1 per centum per month on the amount of such deficiency in the tax from the time it was due (or, if paid on

**Negligence**

the installment basis, on the amount of the deficiency in each installment from the time the installment was due), which penalty and interest shall become due and payable upon notice and demand by the collector. If any part of the deficiency is due to fraud with intent to evade tax, then, in lieu of the penalty provided by section 3176 of the Revised Statutes, as amended, for false or fraudulent returns wilfully made, but in addition to other penalties provided by law for false or fraudulent returns, there shall be added as part of the tax 50 per centum of the total amount of the deficiency in the tax. In such case the whole amount of the tax unpaid, including the penalty so added, shall become due and payable upon notice and demand by the collector.

Fraud

(c) If the return is made pursuant to section 3176 of the Revised Statutes as amended, the amount of tax determined to be due under such return shall be paid upon notice and demand by the collector.

Return by collector;  
see page 182

(d) The amount of income, excess-profits, or war-profits taxes due under any return made under this Act for the taxable year 1921 or succeeding taxable years shall be determined and assessed by the Commissioner within four years after the return was filed, and the amount of any such taxes due under any return made under this Act for prior taxable years or under prior income, excess-profits, or war-profits tax Acts, or under section 38 of the Act entitled "An Act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, shall be determined and assessed within five years after the return was filed, unless both the Commissioner and the taxpayer consent in writing to a later determination, assessment, and collection of the tax; and no suit or proceeding for the collection of any such taxes due under this Act or under

Commissioner to  
determine 1921  
tax within four  
years

Five-year limit on  
earlier returns

Time of filing suit

## Income of decedents

## Fraudulent returns

## Exceptions

Appeal against claim  
for deficiency

## Final assessment

prior income, excess-profits, or war-profits tax Acts, or of any taxes due under section 38 of such Act of August 5, 1909, shall be begun, after the expiration of five years after the date when such return was filed, but this shall not affect suits or proceedings begun at the time of the passage of this Act: *Provided*, That in the case of income received during the lifetime of a decedent, all taxes due thereon shall be determined and assessed by the Commissioner within one year after written request therefor by the executor, administrator, or other fiduciary representing the estate of such decedent: *Provided further*, That in the case of a false or fraudulent return with intent to evade tax, or of a failure to file a required return, the amount of tax due may be determined, assessed, and collected, and a suit or proceeding for the collection of such amount may be begun, at any time after it becomes due: *Provided further*, That in cases coming within the scope of paragraph (9) of subdivision (a) of section 214, or of paragraph (8) of subdivision (a) of section 234, or in cases of final settlement of losses and other deductions tentatively allowed by the Commissioner pending a determination of the exact amount deductible, the amount of tax or deficiency in tax due may be determined, assessed, and collected at any time; but prior to the assessment thereof the taxpayer shall be notified and given a period of not less than thirty days in which to file an appeal and be heard as hereinafter provided in this subdivision.

If upon examination of a return made under the Revenue Act of 1916, the Revenue Act of 1917, the Revenue Act of 1918, or this Act, a tax or a deficiency in tax is discovered, the taxpayer shall be notified thereof and given a period of not less than thirty days after such notice is sent by registered mail in which to file an appeal and show cause or reason why the tax or deficiency should not be paid.

Opportunity for hearing shall be granted and a final decision thereon shall be made as quickly as practicable. Any tax or deficiency in tax then determined to be due shall be assessed and paid, together with the penalty and interest, if any, applicable thereto, within ten days after notice and demand by the collector as hereinafter provided, and in such cases no claim in abatement of the amount so assessed shall be entertained: *Provided*, That in cases where the Commissioner believes that the collection of the amount due will be jeopardized by such delay he may make the assessment without giving such notice or awaiting the conclusion of such hearing.

(e) If any tax remains unpaid after the date when it is due, and for ten days after notice and demand by the collector, then, except in the case of estates of insane, deceased, or insolvent persons, there shall be added as part of the tax the sum of 5 per centum on the amount due but unpaid, plus interest at the rate of 1 per centum per month upon such amount from the time it became due: *Provided*, That as to any such amount which is the subject of a bona fide claim for abatement filed within ten days after notice and demand by the collector, where the taxpayer has not had the benefit of the provisions of subdivisions (d), such sum of 5 per centum shall not be added and the interest from the time the amount was due until the claim is decided shall be at the rate of one-half of 1 per centum per month on that part of the claim rejected.

Penalty for  
nonpayment  
when due

In the case of the first installment provided for in subdivision (a) the instructions printed on the return shall be sufficient notice of the date when the tax is due and sufficient demand, and the taxpayer's computation of the tax on the return shall be sufficient notice of the amount due. In the case of each subsequent installment the collector may, within thirty days and not later than ten days before the

Notice of due date



installment becomes due, mail to the taxpayer notice of the amount of the installment and the date on which it is due for payment. Such notice of the collector shall be sufficient notice and sufficient demand under this section.

Extension of time  
for paying  
deficiency

(f) In the case of any deficiency (except where the deficiency is due to negligence or to fraud with intent to evade tax) where it is shown to the satisfaction of the Commissioner that the payment of such deficiency would result in undue hardship to the taxpayer, the Commissioner may, with the approval of the Secretary, extend the time for the payment of such deficiency or any part thereof for such period not in excess of eighteen months from the passage of this Act as the Commissioner may determine. In such case the Commissioner may require the taxpayer to furnish a bond with sufficient sureties conditioned upon the payment of the deficiency in accordance with the terms of the extension granted. There shall be added in lieu of other interest provided by law, as a part of such deficiency, interest thereon at the rate of two-thirds of 1 per centum per month from the time such extension is granted; except where such other interest provided by law is in excess of interest at the rate of two-thirds of 1 per centum per month. If the deficiency or any part thereof is not paid in accordance with the terms of the extension granted, there shall be added as part of the deficiency, in lieu of other interest and penalties provided by law, the sum of 5 per centum of the deficiency and interest on the deficiency at the rate of 1 per centum per month from the time it becomes payable in accordance with the terms of such extension.

Attempted evasion  
by removal or  
concealment

(g) If the Commissioner finds that a taxpayer designs quickly to depart from the United States or to remove his property therefrom, or to conceal himself or his property therein, or to do any other

act tending to prejudice or to render wholly or partly ineffectual proceedings to collect the tax for the taxable year then last past or the taxable year then current unless such proceedings be brought without delay, the Commissioner shall declare the taxable period for such taxpayer immediately terminated and shall cause notice of such finding and declaration to be given the taxpayer, together with a demand for immediate payment of the tax for the taxable period so declared terminated and of the tax for the preceding taxable year or so much of said tax as is unpaid, whether or not the time otherwise allowed by law for filing return and paying the tax has expired; and such taxes shall thereupon become immediately due and payable. In any action or suit brought to enforce payment of taxes made due and payable by virtue of the provisions of this subdivision the finding of the Commissioner, made as herein provided, whether made after notice to the taxpayer or not, shall be for all purposes presumptive evidence of the taxpayer's design. A taxpayer who is not in default in making any return or paying income, war-profits, or excess-profits tax under any Act of Congress may furnish to the United States, under regulations to be prescribed by the Commissioner with the approval of the Secretary, security approved by the Commissioner that he will duly make the return next thereafter required to be filed and pay the tax next thereafter required to be paid. The Commissioner may approve and accept in like manner security for return and payment of taxes made due and payable by virtue of the provisions of this subdivision, provided the taxpayer has paid in full all other income, war-profits, or excess-profits taxes due from him under any Act of Congress. If security is approved and accepted pursuant to the provisions of this subdivision and such further or other security with re-

Demand for  
immediate payment

Evidence of  
intention

Security for  
payment

**Alien's certificate of  
compliance**

spect to the tax or taxes covered thereby is given as the Commissioner shall from time to time find necessary and require, payment of such taxes shall not be enforced by any proceedings under the provisions of this subdivision prior to the expiration of the time otherwise allowed for paying such respective taxes. In the case of a citizen of the United States about to depart from the United States the Commissioner may, at his discretion, waive any or all of the requirements placed on the taxpayer by this subdivision. No alien shall depart from the United States unless he first secures from the collector or agent in charge a certificate that he has complied with all the obligations imposed upon him by the income, war-profits, and excess-profits tax laws. If a taxpayer violates or attempts to violate this subdivision there shall, in addition to all other penalties, be added as part of the tax 25 per centum of the total amount of the tax or deficiency in the tax, together with interest at the rate of 1 per centum per month from the time the tax became due.

**Application to taxes  
under Acts of  
1917 and 1918**

(h) The provisions of subdivisions (e), (f) and (g) of this section shall apply to the assessment and collection of taxes which have accrued or may accrue under the Revenue Act of 1917, the Revenue Act of 1918 or this Act.

#### **Receipts for Taxes.**

**Receipts on request**

SEC. 251. That every collector to whom any payment of any tax is made under the provisions of this title shall upon request give to the person making such payment a full written or printed receipt, stating the amount paid and the particular account for which such payment was made; and whenever any debtor pays taxes on account of payments made or to be made by him to separate creditors the collector shall, if requested by such debtor, give a separate receipt for the tax paid on

account of each creditor in such form that the debtor can conveniently produce such receipts separately to his several creditors in satisfaction of their respective demands up to the amounts stated in the receipts; and such receipt shall be sufficient evidence in favor of such debtor to justify him in withholding from his next payment to his creditor the amount therein stated; but the creditor may, upon giving to his debtor a full written receipt acknowledging the payment to him of any sum actually paid and accepting the amount of tax paid as aforesaid (specifying the same) as a further satisfaction of the debt to that amount, require the surrender to him of such collector's receipt.

#### Refunds.

SEC. 252. That if, upon examination of any return of income made pursuant to this Act, the Act of August 5, 1909, entitled "An Act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," the Act of October 3, 1913, entitled "An Act to reduce tariff duties and to provide revenue for the Government, and for other purposes," the Revenue Act of 1916, as amended, the Revenue Act of 1917, or the Revenue Act of 1918, it appears that an amount of income, war-profits or excess-profits tax has been paid in excess of that properly due, then, notwithstanding the provisions of section 3228 of the Revised Statutes, the amount of the excess shall be credited against any income, war-profits or excess-profits taxes, or installment thereof, then due from the taxpayer under any other return, and any balance of such excess shall be immediately refunded to the taxpayer: *Provided*, That no such credit or refund shall be allowed or made after five years from the date when the return was due, unless before the expiration of such five years a claim

Overpayments  
credited or  
refunded

Five-year limitation



Refund due to  
deductions  
affecting invested  
capital

therefor is filed by the taxpayer: *Provided further*, That if upon examination of any return of income made pursuant to the Revenue Act of 1917, the Revenue Act of 1918, or this Act, the invested capital of a taxpayer is decreased by the Commissioner, and such decrease is due to the fact that the taxpayer failed to take adequate deductions in previous years, with the result that an amount of income tax in excess of that properly due was paid in any previous year or years, then, notwithstanding any other provision of law and regardless of the expiration of such five-year period, the amount of such excess shall, without the filing of any claim therefor, be credited or refunded as provided in this section: *And provided further*, That nothing in this section shall be construed to bar from allowance claims for refund filed prior to the passage of the Revenue Act of 1918 under subdivision (a) of section 14 of the Revenue Act of 1916, or filed prior to the passage of this Act under section 252 of the Revenue Act of 1918.

#### Penalties.

Failure to make  
return, pay tax, or  
furnish information

SEC. 253. That any individual, corporation, or partnership required under this title to pay or collect any tax, to make a return or to supply information, who fails to pay or collect such tax, to make such return, or to supply such information at the time or times required under this title, shall be liable to a penalty of not more than \$1,000. Any individual, corporation, or partnership, or any officer or employee of any corporation or member or employee of a partnership, who willfully refuses to pay or collect such tax, to make such return, or to supply such information at the time or times required under this title, or who willfully attempts in any manner to defeat or evade the tax imposed by this title, shall be guilty of a misdemeanor and shall

Willful attempt to  
defeat tax

be fined not more than \$10,000 or imprisoned for not more than one year, or both, together with the costs of prosecution.

#### Returns of Payments of Dividends.

SEC. 254. That every corporation subject to the tax imposed by this title and every personal service corporation shall, when required by the Commissioner, render a correct return, duly verified under oath, of its payments of dividends, stating the name and address of each stockholder, the number of shares owned by him, and the amount of dividends paid to him.

Corporations to  
render when  
required

#### Returns of Brokers.

SEC. 255. That every individual, corporation, or partnership doing business as a broker shall, when required by the Commissioner, render a correct return duly verified under oath, under such rules and regulations as the Commissioner, with the approval of the Secretary, may prescribe, showing the names of customers for whom such individual, corporation, or partnership has transacted any business, with such details as to the profits, losses, or other information which the Commissioner may require, as to each of such customers, as will enable the Commissioner to determine whether all income tax due on profits or gains of such customers has been paid.

Information as to  
customers'  
transactions

#### Information at Source.

SEC. 256. That all individuals, corporations, and partnerships, in whatever capacity acting, including lessees or mortgagors of real or personal property, fiduciaries, and employers, making payment to another individual, corporation, or partnership, of interest, rent, salaries, wages, premiums, annuities, compensations, remunerations, emoluments, or other fixed or determinable gains, profits, and income (other than payments described in sec-

Report of payments  
of income of \$1,000  
or over

tions 254 and 255), of \$1,000 or more in any taxable year, or, in the case of such payments made by the United States, the officers or employees of the United States having information as to such payments and required to make returns in regard thereto by the regulations hereinafter provided for, shall render a true and accurate return to the Commissioner, under such regulations and in such form and manner and to such extent as may be prescribed by him with the approval of the Secretary, setting forth the amount of such gains, profits, and income, and the name and address of the recipient of such payment.

Bond interest  
payments

Such returns may be required, regardless of amounts, (1) in the case of payments of interest upon bonds, mortgages, deeds of trust, or other similar obligations of corporations, and (2) in the case of collections of items (not payable in the United States) of interest upon the bonds of foreign countries and interest upon the bonds of and dividends from foreign corporations by individuals, corporations, or partnerships, undertaking as a matter of business or for profit the collection of foreign payments of such interest or dividends by means of coupons, checks, or bills of exchange.

Foreign items

When necessary to make effective the provisions of this section the name and address of the recipient of income shall be furnished upon demand of the individual, corporation, or partnership paying the income.

Interest on  
Government bonds  
excepted

The provisions of this section shall apply to the calendar year 1921 and each calendar year thereafter, but shall not apply to the payment of interest on obligations of the United States.

#### Returns to be Public Records.

Inspection of  
returns

SEC. 257. That returns upon which the tax has been determined by the Commissioner shall constitute public records; but they shall be open to in-

spection only upon order of the President and under rules and regulations prescribed by the Secretary and approved by the President: *Provided*, That the proper officers of any State imposing an income tax may, upon the request of the governor thereof, have access to the returns of any corporation, or to an abstract thereof showing the name and income of the corporation, at such times and in such manner as the Secretary may prescribe: *Provided further*, That all bona fide stockholders of record owning 1 per centum or more of the outstanding stock of any corporation shall, upon making request of the Commissioner, be allowed to examine the annual income returns of such corporation and of its subsidiaries. Any stockholder who pursuant to the provisions of this section is allowed to examine the return of any corporation, and who makes known in any manner whatever not provided by law the amount or source of income, profits, losses, expenditures, or any particular thereof, set forth or disclosed in any such return, shall be guilty of a misdemeanor and be punished by a fine not exceeding \$1,000, or by imprisonment not exceeding one year, or both.

Corporation returns

Stockholders'  
examinationPenalty for divulging  
information

The Commissioner shall as soon as practicable in each year cause to be prepared and made available to public inspection in such manner as he may determine, in the office of the collector in each internal-revenue district and in such other places as he may determine, lists containing the names and the post-office addresses of all individuals making income-tax returns in such district.

Publication of  
names of persons  
making returns

#### Publication of Statistics.

SEC. 258. That the Commissioner, with the approval of the Secretary, shall prepare and publish annually statistics reasonably available with respect to the operation of the income, war-profits and excess-profits tax laws, including classifications of

Statistical reports



taxpayers and of income, the amounts allowed as deductions, exemptions, and credits, and any other facts deemed pertinent and valuable.

#### Collection of Foreign Items.

##### License required

SEC. 259. That all individuals, corporations, or partnerships undertaking as a matter of business or for profit the collection of foreign payments of interest or dividends by means of coupons, checks, or bills of exchange shall obtain a license from the Commissioner and shall be subject to such regulations enabling the Government to obtain the information required under this title as the Commissioner, with the approval of the Secretary, shall prescribe; and whoever knowingly undertakes to collect such payments without having obtained a license therefor, or without complying with such regulations, shall be guilty of a misdemeanor and shall be fined not more than \$5,000, or imprisoned for not more than one year, or both.

##### Penalty on unlicensed agency

#### Citizens of Possessions of the United States.

##### Taxable only on income from United States

SEC. 260. That any individual who is a citizen of any possession of the United States (but not otherwise a citizen of the United States) and who is not a resident of the United States, shall be subject to taxation under this title only as to income derived from sources within the United States, and in such case the tax shall be computed and paid in the same manner and subject to the same conditions as in the case of other persons who are taxable only as to income derived from such sources.

##### Income tax in Virgin Islands

Nothing in this section shall be construed to alter or amend the provisions of the Act entitled "An Act making appropriations for the naval service for the fiscal year ending June 30, 1922,

and for other purposes," approved July 12, 1921, relating to the imposition of income taxes in the Virgin Islands of the United States.

**Porto Rico and Philippine Islands.**

SEC. 261. That in Porto Rico and the Philippine Islands the income tax shall be levied, assessed, collected, and paid as provided by law prior to the passage of this Act.

The Porto Rican or Philippine Legislature shall have power by due enactment to amend, alter, modify, or repeal the income tax laws in force in Porto Rico or the Philippine Islands, respectively.

**Income From Sources Within the Possessions of the United States.**

SEC. 262. (a) That in the case of citizens of the United States or domestic corporations, satisfying the following conditions, gross income means only gross income from sources within the United States—

(1) If 80 per centum or more of the gross income of such citizen or domestic corporation (computed without the benefit of this section) for the three-year period immediately preceding the close of the taxable year (or for such part of such period immediately preceding the close of such taxable year as may be applicable) was derived from sources within a possession of the United States; and

(2) If, in the case of such corporation, 50 per centum or more of its gross income (computed without the benefit of this section) for such period or such part thereof was derived from the active conduct of a trade or business within a possession of the United States; or

(3) If, in the case of such citizen, 50 per centum or more of his gross income (computed without

Income tax

Authority of local legislatures

Conditions:

Source of total income

Corporation's business income

Citizen's business income

the benefit of this section) for such period or such part thereof was derived from the active conduct of a trade or business within a possession of the United States either on his own account or as an employee or agent of another.

Income received  
within United  
States

(b) Notwithstanding the provisions of subdivision (a) there shall be included in gross income all amounts received by such citizens or corporations within the United States, whether derived from sources within or without the United States.

Virgin Islands  
excluded

(c) As used in this section the term "possession of the United States" does not include the Virgin Islands of the United States.

**Effective Date of Title.**

Effective date  
January 1, 1921

SEC. 263. That this title shall take effect as of January 1, 1921.

### TITLE III.—WAR-PROFITS AND EXCESS- PROFITS TAX FOR 1921.

#### Part I.—General Definitions.

SEC. 300. That when used in this title the terms “taxable year,” “fiscal year,” “personal service corporation,” “paid or accrued,” and “dividends” shall have the same meaning as provided for the purposes of income tax in sections 200 and 201.

#### Part II.—Imposition of Tax.

SEC. 301. (a) That in lieu of the tax imposed For year 1921 only by Title III of the Revenue Act of 1918, but in addition to the other taxes imposed by this Act, there shall be levied, collected and paid for the calendar year 1921 upon the net income of every corporation (except corporations taxable under subdivision (b) of this section) a tax equal to the sum of the following:

##### FIRST BRACKET

20 per centum of the amount of the net income Rates in excess of the excess-profits credit (determined under section 312) and not in excess of 20 per centum of the invested capital;

##### SECOND BRACKET

40 per centum of the amount of the net income in excess of 20 per centum of the invested capital.

(b) For the calendar year 1921 there shall be Tax on income from  
Government  
contracts levied, collected, and paid upon the net income of every corporation which derives in such year a net income of more than \$10,000 from any Govern-



ment contract or contracts made between April 6, 1917, and November 11, 1918, both dates inclusive, a tax equal to the sum of the following:

Application of  
1918 rates

(1) Such a portion of a tax computed at the rates specified in subdivision (a) of section 301 of the Revenue Act of 1918, as the part of the net income attributable to such Government contract or contracts bears to the entire net income. In computing such tax the excess-profits credit and the war-profits credit which would be applicable to such calendar year under the Revenue Act of 1918 if it had been continued in force, shall be used;

Proportion taxed  
at 1921 rates

(2) Such a portion of a tax computed at the rates specified in subdivision (a) of this section as the part of the net income not attributable to such Government contract or contracts bears to the entire net income.

Deductions

For the purpose of determining the part of the net income attributable to such Government contract or contracts, the proper apportionment and allocation of the deductions with respect to gross income derived from such Government contract or contracts and from other sources, respectively, shall be determined under rules and regulations prescribed by the Commissioner with the approval of the Secretary.

Application of excess-  
profits credit

(c) In any case where the full amount of the excess-profits credit is not allowed under the first bracket of subdivision (a), by reason of the fact that such credit is in excess of 20 per centum of the invested capital, the part not so allowed shall be deducted from the amount in the second bracket.

Maximum ratio of  
tax to income

SEC. 302. That the tax imposed by subdivision (a) of section 301 shall in no case be more than 20 per centum of the amount of the net income in excess of \$3,000 and not in excess of \$20,000, plus 40 per centum of the amount of the net income in excess of \$20,000; and the limitations imposed by

section 302 of the Revenue Act of 1918 (upon taxes computed under subdivision (c) of section 301 of that Act) are hereby made applicable to taxes computed under subdivision (b) of section 301 of this Act. Nothing in this section shall be construed in such manner as to increase the tax imposed by section 301 of this Act.

SEC. 303. That if part of the net income of a corporation is derived (1) from a trade or business (or a branch of a trade or business) in which the employment of capital is necessary, and (2) a part (constituting not less than 30 per centum of its total net income) is derived from a separate trade or business (or a distinctly separate branch of the trade or business) which if constituting the sole trade or business would bring it within the class of "personal service corporations," then (under regulations prescribed by the Commissioner with the approval of the Secretary) the tax upon the first part of such net income shall be separately computed (allowing in such computation only the same proportionate part of the credits authorized in section 312), and the tax upon the second part shall be the same percentage thereof as the tax so computed upon the first part is of such first part: *Provided*, That the tax upon such second part shall in no case be less than 20 per centum thereof, unless the tax upon the entire net income, if computed without benefit of this section, would constitute less than 20 per centum of such entire net income, in which event the tax shall be determined upon the entire net income, without reference to this section, as other taxes are determined under this title. The total tax computed under this section shall be subject to the limitations provided in section 302.

Income derived partly  
from employment of  
capital and partly  
from personal  
service

Tax on income from  
invested capital

Tax on income from  
personal service

SEC. 304. (a) That the corporations enumerated in section 231 shall, to the extent that they are exempt from income tax under Title II, be exempt from taxation under this title.

Exempt  
corporations

(b) Any corporation whose net income for the taxable year is less than \$3,000 shall be exempt from taxation under this title.

Income from gold  
mining

(c) In the case of any corporation engaged in the mining of gold, the portion of the net income derived from the mining of gold shall be exempt from the tax imposed by this title or any tax imposed by Title II of the Revenue Act of 1917, and the tax on the remaining portion of the net income shall be the same proportion of a tax computed without the benefit of this subdivision which such remaining portion of the net income bears to the entire net income.

Exemption for  
part of year

SEC. 305. That if a tax is computed under this title for a period of less than twelve months, the specific exemption of \$3,000, wherever referred to in this title, shall be reduced to an amount which is the same proportion of \$3,000 as the number of months in the period is of twelve months.

### Part III.—Excess-Profits Credit.

Domestic corporations

SEC. 312. That the excess-profits credit shall consist of a specific exemption of \$3,000 plus an amount equal to 8 per centum of the invested capital for the taxable year.

Foreign and certain  
domestic corporations

A foreign corporation or a corporation entitled to the benefits of section 262 shall not be entitled to the specific exemption of \$3,000.

### Part IV.—Net Income.

See page 58

SEC. 320. That for the purpose of this title the net income of a corporation shall be ascertained and returned for the taxable year upon the same basis and in the same manner as provided for income tax purposes in Title II of this Act.

### Part V.—Invested Capital.

Definitions:

Intangible property

SEC. 325. (a) That as used in this title—  
The term “intangible property” means patents, copyrights, secret processes and formulae, good

will, trade-marks, trade-brands, franchises, and other like property;

The term "tangible property" means stocks, bonds, notes, and other evidences of indebtedness, bills and accounts receivable, leaseholds, and other property other than intangible property; Tangible property

The term "borrowed capital" means money or other property borrowed, whether represented by bonds, notes, open accounts, or otherwise; Borrowed capital

The term "inadmissible assets" means stocks, bonds, and other obligations (other than obligations of the United States), the dividends or interest from which is not included in computing net income, but where the income derived from such assets consists in part of gain or profit derived from the sale or other disposition thereof, or where all or part of the interest derived from such assets is in effect included in the net income because of the limitation on the deduction of interest under paragraph (2) of subdivision (a) of section 234, a corresponding part of the capital invested in such assets shall not be deemed to be inadmissible assets; Inadmissible assets

The term "admissible assets" means all assets other than inadmissible assets, valued in accordance with the provisions of subdivision (a) of section 326 and section 331. Admissible assets

(b) For the purposes of this title the par value of stock or shares shall, in the case of stock or shares issued at a nominal value or having no par value, be deemed to be the fair market value as of the date or dates of issue of such stock or shares. Valuation of non-par stock

SEC. 326. (a) That as used in this title the term "invested capital" for any year means (except as provided in subdivisions (b) and (c) of this section): Invested capital includes:

(1) Actual cash bona fide paid in for stock or shares; Cash

(2) Actual cash value of tangible property, other than cash, bona fide paid in for stock or Tangible property paid in for stock



**Limitation**

shares, at the time of such payment, but in no case to exceed the par value of the original stock or shares specifically issued therefor, unless the actual cash value of such tangible property at the time paid in is shown to the satisfaction of the Commissioner to have been clearly and substantially in excess of such par value, in which case such excess shall be treated as paid-in surplus: *Provided*, That the Commissioner shall keep a record of all cases in which tangible property is included in invested capital at a value in excess of the stock or shares issued therefor, containing the name and address of each taxpayer, the business in which engaged, the amount of invested capital and net income shown by the return, the value of the tangible property at the time paid in, the par value of the stock or shares specifically issued therefor, and the amount included under this paragraph as paid-in surplus. The Commissioner shall furnish a copy of such record and other detailed information with respect to such cases when required by resolution of either House of Congress, without regard to the restrictions contained in section 257;

**Surplus and  
undivided profits**

(3) Paid-in or earned surplus and undivided profits; not including surplus and undivided profits earned during the year;

**Intangible property  
acquired before  
March 3, 1917**

(4) Intangible property bona fide paid in for stock or shares prior to March 3, 1917, in an amount not exceeding (a) the actual cash value of such property at the time paid in, (b) the par value of the stock or shares issued therefor, or (c) in the aggregate 25 per centum of the par value of the total stock or shares of the corporation outstanding on March 3, 1917, whichever is lowest;

**Intangible property  
acquired after  
March 3, 1917**

(5) Intangible property bona fide paid in for stock or shares on or after March 3, 1917, in an amount not exceeding (a) the actual cash value of such property at the time paid in, (b) the par value of the stock or shares issued therefor, or (c)

in the aggregate 25 per centum of the par value of the total stock or shares of the corporation outstanding at the beginning of the taxable year, whichever is lowest: *Provided*, That in no case shall the total amount included under paragraphs (4) and (5) exceed in the aggregate 25 per centum of the par value of the total stock or shares of the corporation outstanding at the beginning of the taxable year; but

(b) As used in this title the term "invested capital" does not include borrowed capital. **Borrowed capital excluded**

(c) There shall be deducted from invested capital as above defined a percentage thereof equal to the percentage which the amount of inadmissible assets is of the amount of admissible and inadmissible assets held during the taxable year. **Deduction for inadmissible assets**

(d) The invested capital for any period shall be the average invested capital for such period, but in the case of a corporation making a return for a fractional part of a year, it shall be the same fractional part of such average invested capital. **Average invested capital**

**SEC. 327.** That in the following cases the tax shall be determined as provided in section 328: **Special cases:**

(a) Where the Commissioner is unable to determine the invested capital as provided in section 326; **Indeterminate capital**

(b) In the case of a foreign corporation or of a corporation entitled to the benefits of section 262; **Foreign and certain domestic corporations**

(c) Where a mixed aggregate of tangible property and intangible property has been paid in for stock or for stock and bonds and the Commissioner is unable satisfactorily to determine the respective values of the several classes of property at the time of payment, or to distinguish the classes of property paid in for stock and for bonds, respectively; **Mixed property paid in**

(d) Where upon application by the corporation the Commissioner finds and so declares of record that the tax if determined without benefit of this section would, owing to abnormal conditions affect- **Comparison with tax on representative corporations**

## Exception

ing the capital or income of the corporation, work upon the corporation an exceptional hardship evidenced by gross disproportion between the tax computed without benefit of this section and the tax computed by reference to the representative corporations specified in section 328. This subdivision shall not apply to any case (1) in which the tax (computed without benefit of this section) is high merely because the corporation earned within the taxable year a high rate of profit upon a normal invested capital, nor (2) in which 50 per centum or more of the gross income of the corporation for the taxable year (computed under section 233 of Title II) consists of gains, profits, commissions, or other income, derived on a cost-plus basis from a Government contract or contracts made between April 6, 1917, and November 11, 1918, both dates inclusive.

Tax in special cases  
at average rate on  
representative  
concerns

SEC. 328. (a) That in the cases specified in section 327 the tax shall be the amount which bears the same ratio to the net income of the taxpayer (in excess of the specific exemption of \$3,000) for the taxable year, as the average tax of representative corporations engaged in a like or similar trade or business, bears to their average net income (in excess of the specific exemption of \$3,000) for such year. In the case of a foreign corporation or of a corporation entitled to the benefits of section 262 the tax shall be computed without deducting the specific exemption of \$3,000 either for the taxpayer or the representative corporations.

In computing the tax under this section the Commissioner shall compare the taxpayer only with representative corporations whose invested capital can be satisfactorily determined under section 326 and which are, as nearly as may be, similarly circumstanced with respect to gross income, net income, profits per unit of business transacted and capital employed, the amount and rate of war

profits or excess profits, and all other relevant facts and circumstances.

(b) For the purposes of subdivision (a) the ratios between the average tax and the average net income of representative corporations shall be determined by the Commissioner in accordance with regulations prescribed by him with the approval of the Secretary.

Determination of  
average tax rate

(c) The Commissioner shall keep a record of all cases in which the tax is determined in the manner prescribed in subdivision (a), containing the name and address of each taxpayer, the business in which engaged, the amount of invested capital and net income shown by the return, and the amount of invested capital as determined under such subdivision. The Commissioner shall furnish a copy of such record and other detailed information with respect to such cases when required by resolution of either House of Congress, without regard to the restrictions contained in section 257.

Record of special  
cases

#### Part VI.—Reorganizations.

SEC. 331. That in the case of the reorganization, consolidation, or change of ownership of a trade or business, or change of ownership of property, after March 3, 1917, if an interest or control in such trade or business or property of 50 per centum or more remains in the same persons, or any of them, then no asset transferred or received from the previous owner shall, for the purpose of determining invested capital, be allowed a greater value than would have been allowed under this title in computing the invested capital of such previous owner if such asset had not been so transferred or received: *Provided*, That if such previous owner was not a corporation, then the value of any assets so transferred or received shall be taken at its cost of acquisition (at the date when acquired by such previous owner) with proper allowance for

Reorganizations and  
consolidations after  
March 3, 1917

Control remaining in  
same persons

Previous owner not  
a corporation



depreciation, impairment, betterment or development, but no addition to the original cost shall be made for any charge or expenditure deducted as expense or otherwise on or after March 1, 1913, in computing the net income of such previous owner for purposes of taxation.

### Part VII.—Miscellaneous.

Computation of tax  
for fiscal year  
ending in 1921

SEC. 335. (a) That if a corporation (other than a personal service corporation) makes return for a fiscal year beginning in 1920 and ending in 1921, the war-profits and excess-profits tax for the taxable year 1921 shall be the sum of: (1) the same proportion of a tax for the entire period computed under the Revenue Act of 1918, which the portion of such period falling within the calendar year 1920 is of the entire period, and (2) the same proportion of a tax for the entire period computed under this title, which the portion of such period falling within the calendar year 1921 is of the entire period. Any amount heretofore or hereafter paid on account of the tax imposed for such taxable year by the Revenue Act of 1918 shall be credited towards the payment of the tax as above computed, and if the amount so paid exceeds the amount of such tax, the excess shall be credited or refunded to the corporation in accordance with the provisions of section 252 of this Act.

Credit for tax paid  
under Act of 1918

Fiscal year ending  
in 1922

(b) If a corporation (other than a personal service corporation) makes a return for a fiscal year beginning in 1921 and ending in 1922, the war-profits and excess-profits tax for the portion of the year falling within the calendar year 1921 shall be an amount equivalent to the same proportion of a tax for the entire period computed under this title, which the portion of such period falling within the calendar year 1921 is of the entire period.

Returns and payment  
of tax

SEC. 336. That every corporation, not exempt under section 304, shall make a return for the pur-

poses of this title. Such returns shall be made, and the taxes imposed by this title shall be paid, at the same times and places, in the same manner, and subject to the same conditions, as is provided in the case of returns and payment of income tax by corporations for the purposes of Title II, and all the provisions of that title not inapplicable, including penalties, are hereby made applicable to the taxes imposed by this title. See pages 69, 79

SEC. 337. That in the case of a bona fide sale of mines, oil or gas wells, or any interest therein, where the principal value of the property has been demonstrated by prospecting or exploration and discovery work done by the taxpayer, the portion of the tax imposed by this title attributable to such sale shall not exceed 20 per centum of the selling price of such property or interest. Tax on profits from prospecting

**Effective Date of Title.**

SEC. 338. That this title shall take effect as of January 1, 1921. Effective date  
January 1, 1921

## TITLE IV.—ESTATE TAX.

### Definitions:

SEC. 400. That when used in this title—

#### Executor

The term “executor” means the executor or administrator of the decedent, or, if there is no executor or administrator, any person in actual or constructive possession of any property of the decedent;

#### Net estate

The term “net estate” means the net estate as determined under the provisions of section 403;

#### Month

The term “month” means calendar month; and

#### Collector

The term “collector” means the collector of internal revenue of the district in which was the domicile of the decedent at the time of his death, or, if there was no such domicile in the United States, then the collector of the district in which is situated the part of the gross estate of the decedent in the United States, or, if such part of the gross estate is situated in more than one district, then the collector of internal revenue of such district as may be designated by the Commissioner.

### Tax on transfer of net estate

SEC. 401. That, in lieu of the tax imposed by Title IV of the Revenue Act of 1918, a tax equal to the sum of the following percentages of the value of the net estate (determined as provided in section 403) is hereby imposed upon the transfer of the net estate of every decedent dying after the passage of this Act, whether a resident or nonresident of the United States:

#### Rates

1 per centum of the amount of the net estate not in excess of \$50,000;

2 per centum of the amount by which the net estate exceeds \$50,000 and does not exceed \$150,000;

3 per centum of the amount by which the net estate exceeds \$150,000 and does not exceed \$250,000; Rates,  
continued

4 per centum of the amount by which the net estate exceeds \$250,000 and does not exceed \$450,000;

6 per centum of the amount by which the net estate exceeds \$450,000 and does not exceed \$750,000;

8 per centum of the amount by which the net estate exceeds \$750,000 and does not exceed \$1,000,000;

10 per centum of the amount by which the net estate exceeds \$1,000,000 and does not exceed \$1,500,000;

12 per centum of the amount by which the net estate exceeds \$1,500,000 and does not exceed \$2,000,000;

14 per centum of the amount by which the net estate exceeds \$2,000,000 and does not exceed \$3,000,000;

16 per centum of the amount by which the net estate exceeds \$3,000,000 and does not exceed \$4,000,000;

18 per centum of the amount by which the net estate exceeds \$4,000,000 and does not exceed \$5,000,000;

20 per centum of the amount by which the net estate exceeds \$5,000,000 and does not exceed \$8,000,000;

22 per centum of the amount by which the net estate exceeds \$8,000,000 and does not exceed \$10,000,000; and

25 per centum of the amount by which the net estate exceeds \$10,000,000.

The taxes imposed by this title or by Title II of the Revenue Act of 1916 (as amended by the Act entitled "An Act to provide increased revenue to defray the expenses of the increased appropria-



Estates of persons  
dying as result of  
service in war

tions for the Army and Navy and the extensions of fortifications, and for other purposes," approved March 3, 1917) or by Title IX of the Revenue Act of 1917, or by Title IV of the Revenue Act of 1918, shall not apply to the transfer of the net estate of any decedent who has died or may die from injuries received or disease contracted in line of duty while serving in the military or naval forces of the United States in the war against the German Government, or to the transfer of the net estate of any citizen of the United States who has died or may die from injuries received or disease contracted in line of duty while serving in the military or naval forces of any country while associated with the United States in the prosecution of such war, or prior to the entrance therein of the United States, and any tax collected upon such transfer shall be refunded to the estate of such decedent.

Value of gross estate

SEC. 402. That the value of the gross estate of the decedent shall be determined by including the value at the time of his death of all property, real or personal, tangible or intangible, wherever situated—

Property in charge of  
executor

(a) To the extent of the interest therein of the decedent at the time of his death which after his death is subject to the payment of the charges against his estate and the expenses of its administration and is subject to distribution as part of his estate;

Interest of surviving  
spouse

(b) To the extent of any interest therein of the surviving spouse, existing at the time of the decedent's death as dower, curtesy, or by virtue of a statute creating an estate in lieu of dower or curtesy;

Transfers in  
contemplation of  
death

(c) To the extent of any interest therein of which the decedent has at any time made a transfer, or with respect to which he has at any time created a trust, in contemplation of or intended to take

effect in possession or enjoyment at or after his death (whether such transfer or trust is made or created before or after the passage of this Act), except in case of a bona fide sale for a fair consideration in money or money's worth. Any transfer of a material part of his property in the nature of a final disposition or distribution thereof, made by the decedent within two years prior to his death without such a consideration, shall, unless shown to the contrary, be deemed to have been made in contemplation of death within the meaning of this title;

(d) To the extent of the interest therein held jointly or as tenants in the entirety by the decedent and any other person, or deposited in banks or other institutions in their joint names and payable to either or the survivor, except such part thereof as may be shown to have originally belonged to such other person and never to have been received or acquired by the latter from the decedent for less than a fair consideration in money or money's worth: *Provided*, That where such property or any part thereof, or part of the consideration with which such property was acquired, is shown to have been at any time acquired by such other person from the decedent for less than a fair consideration in money or money's worth, there shall be excepted only such part of the value of such property as is proportionate to the consideration furnished by such other person: *Provided further*, That where any property has been acquired by gift, bequest, devise, or inheritance, as a tenancy in the entirety by the decedent and spouse, or where so acquired by the decedent and any other person as joint tenants and their interests are not otherwise specified or fixed by law, then to the extent of one-half of the value thereof; Property held jointly

(e) To the extent of any property passing under a general power of appointment exercised by Property passing by will or deed

the decedent (1) by will, or (2) by deed executed in contemplation of, or intended to take effect in possession or enjoyment at or after, his death, except in case of a bona fide sale for a fair consideration in money or money's worth; and

**Insurance**

(f) To the extent of the amount receivable by the executor as insurance under policies taken out by the decedent upon his own life; and to the extent of the excess over \$40,000 of the amount receivable by all other beneficiaries as insurance under policies taken out by the decedent upon his own life.

**Net estate**

SEC. 403. That for the purpose of the tax the value of the net estate shall be determined—

**Deductions allowed residents:**

(a) In the case of a resident, by deducting from the value of the gross estate—

**Expenses and losses**

(1) Such amounts for funeral expenses, administration expenses, claims against the estate, unpaid mortgages upon, or any indebtedness in respect to, property (except, in the case of a resident decedent, where such property is not situated in the United States), losses incurred during the settlement of the estate arising from fires, storms, shipwreck, or other casualty, or from theft, when such losses are not compensated for by insurance or otherwise, and such amounts reasonably required and actually expended for the support during the settlement of the estate of those dependent upon the decedent, as are allowed by the laws of the jurisdiction, whether within or without the United States, under which the estate is being administered, but not including any income taxes upon income received after the death of the decedent, or any estate, succession, legacy, or inheritance taxes;

**Property taxed within five prior years**

(2) An amount equal to the value of any property forming a part of the gross estate situated in the United States of any person who died within five years prior to the death of the decedent where such property can be identified as having been re-

ceived by the decedent from such prior decedent by gift, bequest, devise, or inheritance, or which can be identified as having been acquired in exchange for property so received: *Provided*, That this deduction shall be allowed only where an estate tax under this or any prior Act of Congress was paid by or on behalf of the estate of such prior decedent, and only in the amount of the value placed by the Commissioner on such property in determining the value of the gross estate of such prior decedent, and only to the extent that the value of such property is included in the decedent's gross estate and not deducted under paragraphs (1) or (3) of subdivision (a) of this section. This deduction shall be made in case of the estates of all decedents who have died since September 8, 1916;

(3) The amount of all bequests, legacies, devises, or transfers, except bona fide sales for a fair consideration in money or money's worth, in contemplation of or intended to take effect in possession or enjoyment at or after the decedent's death, to or for the use of the United States, any State, Territory, any political subdivision thereof, or the District of Columbia, for exclusively public purposes, or to or for the use of any corporation organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, including the encouragement of art and the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private stockholder or individual, or to a trustee or trustees exclusively for such religious, charitable, scientific, literary, or educational purposes. This deduction shall be made in case of the estates of all decedents who have died since December 31, 1917; and

Public, charitable  
or educational  
bequests

(4) An exemption of \$50,000;

Exemption

(b) In the case of a nonresident, by deducting from the value of that part of his gross estate which

Deductions allowed  
nonresident



at the time of his death is situated in the United States—

Proportion of  
expenses and  
losses

(1) That proportion of the deductions specified in paragraph (1) of subdivision (a) of this section which the value of such part bears to the value of his entire gross estate, wherever situated, but in no case shall the amount so deducted exceed 10 per centum of the value of that part of his gross estate which at the time of his death is situated in the United States:

Property taxed  
within five  
prior years

(2) An amount equal to the value of any property forming a part of the gross estate situated in the United States of any person who died within five years prior to the death of the decedent where such property can be identified as having been received by the decedent from such prior decedent by gift, bequest, devise, or inheritance, or which can be identified as having been acquired in exchange for property so received: *Provided*, That this deduction shall be allowed only where an estate tax under this or any prior Act of Congress was paid by or on behalf of the estate of such prior decedent, and only in the amount of the value placed by the Commissioner on such property in determining the value of the gross estate of such prior decedent, and only to the extent that the value of such property is included in that part of the decedent's gross estate which at the time of his death is situated in the United States and not deducted under paragraphs (1) or (3) of subdivision (b) of this section. This deduction shall be made in case of the estates of all decedents who have died since September 8, 1916; and

Public, charitable,  
or educational  
bequests

(3) The amount of all bequests, legacies, devises, or transfers, except bona fide sales for a fair consideration, in money, or money's worth, in contemplation of or intended to take effect in possession or enjoyment at or after the decedent's death, to or for the use of the United States, any State,

Territory, any political subdivision thereof, or the District of Columbia, for exclusively public purposes, or to or for the use of any domestic corporation organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, including the encouragement of art and the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private stockholder or individual, or to a trustee or trustees exclusively for such religious, charitable, scientific, literary, or educational purposes within the United States. This deduction shall be made in case of the estates of all decedents who have died since December 31, 1917.

No deduction shall be allowed in the case of a nonresident unless the executor includes in the return required to be filed under section 404 the value at the time of his death of that part of the gross estate of the nonresident not situated in the United States.

Return necessary  
for deductions

For the purpose of this title stock in a domestic corporation owned and held by a nonresident decedent shall be deemed property within the United States, and any property of which the decedent has made a transfer or with respect to which he has created a trust, within the meaning of subdivision (c) of section 402, shall be deemed to be situated in the United States, if so situated either at the time of the transfer or the creation of the trust, or at the time of the decedent's death.

Property within  
United States

The amount receivable as insurance upon the life of a nonresident decedent, and any moneys deposited with any person carrying on the banking business, by or for a nonresident decedent who was not engaged in business in the United States at the time of his death, shall not, for the purpose of this title, be deemed property within the United States.

Insurance and  
bank deposits  
excluded

Missionaries duly commissioned and serving under boards of foreign missions of the various re-

American  
missionaries  
deemed residents

ligious denominations in the United States, dying while in the foreign missionary service of such boards, shall not, by reason merely of their intention to permanently remain in such foreign service, be deemed nonresidents of the United States, but shall be presumed to be residents of the State, the District of Columbia, or the Territories of Alaska or Hawaii wherein they respectively resided at the time of their commission and their departure for such foreign service.

Redetermination  
of tax

In the case of any estate in respect to which the tax has been paid, if necessary to allow the benefit of the deduction under paragraphs (2) and (3) of subdivision (a) or (b) the tax shall be redetermined and any excess of tax paid shall be refunded to the executor.

Executor's  
notice

SEC. 404. That the executor, within two months after the decedent's death, or within a like period after qualifying as such, shall give written notice thereof to the collector. The executor shall also, at such times and in such manner as may be required by regulations made pursuant to law, file with the collector a return under oath in duplicate, setting forth (a) the value of the gross estate of the decedent at the time of his death, or, in case of a nonresident, of that part of his gross estate situated in the United States; (b) the deductions allowed under section 403; (c) the value of the net estate of the decedent as defined in section 403; and (d) the tax paid or payable thereon; or such part of such information as may at the time be ascertainable and such supplemental data as may be necessary to establish the correct tax.

Return

When return  
required

Return shall be made in all cases where the gross estate at the death of the decedent exceeds \$50,000, and in the case of the estate of every nonresident any part of whose gross estate is situated in the United States. If the executor is unable to make a complete return as to any part of the gross estate

of the decedent, he shall include in his return a description of such part and the name of every person holding a legal or beneficial interest therein, and upon notice from the collector such person shall in like manner make a return as to such part of the gross estate. The Commissioner shall make all assessments of the tax under the authority of existing administrative special and general provisions of law relating to the assessment and collection of taxes. Assessment

SEC. 405. That if no administration is granted upon the estate of a decedent, or if no return is filed as provided in section 404, or if a return contains a false or incorrect statement of a material fact, the collector or deputy collector shall make a return and the Commissioner shall assess the tax thereon. Return by collector

SEC. 406. That the tax shall be due and payable one year after the decedent's death; but in any case where the Commissioner finds that payment of the tax within such period would impose undue hardship upon the estate, he may grant an extension or extensions of time for payment not to exceed three years from the due date. Tax due

The executor shall pay the tax to the collector or deputy collector, and to such portion of the tax, not paid within one year and six months after the decedent's death, interest at the rate of 6 per centum per annum from the expiration of one year after such death shall be added as part of the tax irrespective of any extension or extensions of time that may have been granted for the payment of the tax, or any portion thereof. Interest on delayed payment

SEC. 407. That where the amount of tax shown upon a return made in good faith has been fully paid, or time for payment has been extended, as provided in section 406, beyond one year and six months after the decedent's death, and an additional amount of tax is, after the expiration of such Additional payments



period of one year and six months, found to be due, then such additional amount shall be paid upon notice and demand by the collector, and if it remains unpaid for one month after such notice and demand there shall be added as part of the tax interest on such additional amount at the rate of 10 per centum per annum from the expiration of such period until paid, and such additional tax and interest shall, until paid, be and remain a lien upon the entire gross estate.

**Receipts**

The collector shall grant to the person paying the tax duplicate receipts, either of which shall be sufficient evidence of such payment, and shall entitle the executor to be credited and allowed the amount thereof by any court having jurisdiction to audit or settle his accounts.

**Discharge of  
executor's liability**

If the executor files a complete return and makes written application to the Commissioner for determination of the amount of the tax and discharge from personal liability therefor, the Commissioner, as soon as possible and in any event within one year after receipt of such application, shall notify the executor of the amount of the tax, and upon payment thereof the executor shall be discharged from personal liability for any additional tax thereafter found to be due, and shall be entitled to receive a receipt or writing showing such discharge: *Provided, however,* That such discharge shall not operate to release the gross estate from the lien of any additional tax that may thereafter be found to be due while the title to such gross estate remains in the heirs, devisees, or distributees thereof; but no part of such gross estate shall be subject to such lien or to any claim or demand for any such tax if the title thereto has passed to a bona fide purchaser for value.

**Lien on gross estate****Default in payment  
of tax**

SEC. 408. That if the tax herein imposed is not paid on or before the due date thereof the collector

shall, upon instruction from the Commissioner, proceed to collect the tax under the provisions of general law, or commence appropriate proceedings in any court of the United States, in the name of the United States, to subject the property of the decedent to be sold under the judgment or decree of the court. From the proceeds of such sale the amount of the tax, together with the costs and expenses of every description to be allowed by the court, shall be first paid, and the balance shall be deposited according to the order of the court, to be paid under its direction to the person entitled thereto.

If the tax or any part thereof is paid by, or collected out of that part of the estate passing to or in the possession of, any person other than the executor in his capacity as such, such person shall be entitled to reimbursement out of any part of the estate still undistributed or by a just and equitable contribution by the persons whose interest in the estate of the decedent would have been reduced if the tax had been paid before the distribution of the estate or whose interest is subject to equal or prior liability for the payment of taxes, debts, or other charges against the estate, it being the purpose and intent of this title that so far as is practicable and unless otherwise directed by the will of the decedent the tax shall be paid out of the estate before its distribution. If any part of the gross estate consists of proceeds of policies of insurance upon the life of the decedent receivable by a beneficiary other than the executor, the executor shall be entitled to recover from such beneficiary such portion of the total tax paid as the proceeds, in excess of \$40,000, of such policies bear to the net estate. If there is more than one such beneficiary the executor shall be entitled to recover from such beneficiaries in the same ratio.

Tax paid by other  
than executor

Tax paid before  
distribution

Tax lien for ten  
years

SEC. 409. That unless the tax is sooner paid in full, it shall be a lien for ten years upon the gross estate of the decedent, except that such part of the gross estate as is used for the payment of charges against the estate and expenses of its administration, allowed by any court having jurisdiction thereof, shall be divested of such lien. If the Commissioner is satisfied that the tax liability of an estate has been fully discharged or provided for, he may, under regulations prescribed by him with the approval of the Secretary, issue his certificate, releasing any or all property of such estate from the lien herein imposed.

Transfers or trusts  
in contemplation  
of death

If (a) the decedent makes a transfer of, or creates a trust with respect to, any property in contemplation of or intended to take effect in possession or enjoyment at or after his death (except in the case of a bona fide sale for a fair consideration in money or money's worth) or (b) if insurance passes under a contract executed by the decedent in favor of a specific beneficiary, and if in either case the tax in respect thereto is not paid when due, then the transferee, trustee, or beneficiary shall be personally liable for such tax, and such property, to the extent of the decedent's interest therein at the time of such transfer, or to the extent of such beneficiary's interest under such contract of insurance, shall be subject to a like lien equal to the amount of such tax. Any part of such property sold by such transferee or trustee to a bona fide purchaser for a fair consideration in money or money's worth shall be divested of the lien and a like lien shall then attach to all the property of such transferee or trustee, except any part sold to a bona fide purchaser for a fair consideration in money or money's worth.

Insurance

Transferee liable  
for unpaid tax

False statements

SEC. 410. That whoever knowingly makes any false statement in any notice or return required to

be filed under this title shall be liable to a penalty of not exceeding \$5,000, or imprisonment not exceeding one year, or both.

Whoever fails to comply with any duty imposed upon him by section 404, or, having in his possession or control any record, file, or paper, containing or supposed to contain any information concerning the estate of the decedent, or, having in his possession or control any property comprised in the gross estate of the decedent, fails to exhibit the same upon request to the Commissioner or any collector or law officer of the United States, or his duly authorized deputy or agent, who desires to examine the same in the performance of his duties under this title, shall be liable to a penalty of not exceeding \$500, to be recovered, with costs of suit, in a civil action in the name of the United States.

Failure to file  
notice or return  
or to furnish  
information

SEC. 411. (a) That the term "resident" as used in this title includes a citizen of the United States with respect to whose property any probate or administration proceedings are had in the United States Court for China. Where no part of the gross estate of such decedent is situated in the United States at the time of his death, the total amount of tax due under this title shall be paid to or collected by the clerk of such court, but where any part of the gross estate of such decedent is situated in the United States at the time of his death, the tax due under this title shall be paid to or collected by the collector of the district in which is situated the part of the gross estate in the United States, or, if such part is situated in more than one district, then the collector of such district as may be designated by the Commissioner.

Citizens residing  
in China

(b) For the purpose of this section the clerk of the United States Court for China shall be a collector for the territorial jurisdiction of such court,

Collector in China



and taxes shall be collected by and paid to him in the same manner and subject to the same provisions of law, including penalties, as the taxes collected by and paid to a collector in the United States.

**Repeal**

(c) The proviso in the Act entitled "An Act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1921," approved June 4, 1920, which reads as follows: "Provided, That in probate and administration proceedings there shall be collected by said clerk, before entering the order of final distribution, to be paid into the Treasury of the United States, the same inheritance taxes from time to time collected under the laws enacted by the Congress of the United States from the estates of decedents residing within the territorial jurisdiction of the United States," is hereby repealed.

## TITLE V.—TAX ON TELEGRAPH AND TELEPHONE MESSAGES.

SEC. 500. That from and after January 1, 1922, there shall be levied, assessed, collected, and paid, in lieu of the taxes imposed by section 500 of the Revenue Act of 1918—

Effective date,  
January 1, 1922

(a) In the case of each telegraph, telephone, cable, or radio, dispatch, message, or conversation, which originates on or after such date within the United States, and for the transmission of which the charge is more than 14 cents and not more than 50 cents, a tax of 5 cents; and if the charge is more than 50 cents, a tax of 10 cents: *Provided*, That only one payment of such tax shall be required, notwithstanding the lines or stations of one or more persons are used for the transmission of such dispatch, message, or conversation; and

Telegraph, telephone,  
cable and radio  
service

(b) A tax equivalent to 10 per centum of the amount paid after such date to any telegraph or telephone company for any leased wire or talking circuit special service furnished after such date. This subdivision shall not apply to the amount paid for so much of such service as is utilized (1) in the collection and dissemination of news through the public press, or (2) in the conduct, by a common carrier or telegraph or telephone company, of its business as such;

Leased wires

(c) No tax shall be imposed under this section upon any payment received for services rendered to the United States or to any State or Territory or the District of Columbia. The right to exemption under this subdivision shall be evidenced in such manner as the Commissioner, with the ap-

Services to  
governments

proval of the Secretary, may by regulation prescribe.

Refund of  
transportation tax

(d) Under regulations prescribed by the Commissioner with the approval of the Secretary, refund shall be made of the proportionate part of the tax collected under subdivision (c) or (d) of section 500 of the Revenue Act of 1918 on tickets or mileage books purchased and only partially used before January 1, 1922.

Tax paid by  
persons served

SEC. 501. That the taxes imposed by section 500 shall be paid by the person paying for the services or facilities rendered.

Return and  
payment of tax  
collected

SEC. 502. (a) That each person receiving any payments referred to in section 500 shall collect the amount of the tax, if any, imposed by such section from the person making such payments, and shall make monthly returns under oath, in duplicate, and pay the taxes so collected to the collector of the district in which the principal office or place of business is located.

Refunds

(b) Any person making a refund of any payment upon which tax is collected under this section may repay therewith the amount of the tax collected on such payment; and the amount so repaid may be credited against amounts included in any subsequent monthly return.

Returns, when  
and how made

(c) The returns required under this section shall contain such information, and be made at such times and in such manner, as the Commissioner, with the approval of the Secretary, may by regulation prescribe.

Payment of tax

(d) The tax shall, without assessment by the Commissioner or notice from the collector, be due and payable to the collector at the time so fixed for filing the return. If the tax is not paid when due, there shall be added as part of the tax a penalty of 5 per centum, together with interest at the rate of 1 per centum for each full month, from the time when the tax became due.

Penalty

## TITLE VI.—TAX ON BEVERAGES AND CON- STITUENT PARTS THEREOF.\*

SEC. 600. That subdivision (a) of section 600 of the Revenue Act of 1918 is amended by striking out the period at the end thereof and inserting a colon and the following: "*Provided*, That on all distilled spirits on which tax is paid at the non-beverage rate of \$2.20 per proof gallon and which are diverted to beverage purposes or for use in the manufacture or production of any article used or intended for use as a beverage, there shall be levied and collected an additional tax of \$4.20 on each proof gallon, and a proportionate tax at a like rate on all fractional parts of such proof gallon, to be paid by the person responsible for such diversion."

Tax on spirits  
diverted to  
beverage uses

SEC. 601. That section 605 of the Revenue Act of 1918 is amended by adding at the end thereof the following: "The process of extraction of water from high-proof spirits for the production of absolute alcohol shall not be deemed to be rectification within the meaning of section 3244 of the Revised Statutes, and absolute alcohol shall not be subject to the tax imposed by this section, but the production of such absolute alcohol shall be under such regulations as the Commissioner, with the approval of the Secretary, may prescribe."

Production of  
absolute alcohol

SEC. 602. That from and after January 1, 1922, there shall be levied, assessed, collected, and paid, in lieu of the taxes imposed by sections 628 and 630 of the Revenue Act of 1918—

\* Sections 600-627 of the Revenue Act of 1918 remain in force as amended by Sections 600 and 601 of this Act. Sections 602-603 of this Act replace Sections 628-630 of the Revenue Act of 1918, effective January 1, 1922.



**Cereal  
beverages**

(a) Upon all beverages derived wholly or in part from cereals or substitutes therefor, containing less than one-half of 1 per centum of alcohol by volume, sold by the manufacturer, producer, or importer, a tax of 2 cents per gallon.

**Fruit juices and  
soft drinks**

(b) Upon all unfermented fruit juices, in natural or slightly concentrated form, or such fruit juices to which sugar has been added (as distinguished from finished or fountain sirups), intended for consumption as beverages with the addition of water or water and sugar, and upon all imitations of any such fruit juices, and upon all carbonated beverages, commonly known as soft drinks (except those described in subdivision (a)), manufactured, compounded, or mixed by the use of concentrate, essence, or extract, instead of a finished or fountain sirup, sold by the manufacturer, producer or importer, a tax of 2 cents per gallon.

**Still drinks**

(c) Upon all still drinks, containing less than one-half of 1 per centum of alcohol by volume, intended for consumption as beverages in the form in which sold (except natural or artificial mineral and table waters and imitations thereof, and pure apple cider), sold by the manufacturer, producer or importer, a tax of 2 cents per gallon.

**Mineral waters**

(d) Upon all natural or artificial mineral waters or table waters, whether carbonated or not, and all imitations thereof, sold by the producer, bottler, or importer thereof, in bottles or other closed containers, at over 12½ cents per gallon, a tax of 2 cents per gallon.

**Fountain sirups**

(e) Upon all finished or fountain sirups of the kinds used in manufacturing, compounding, or mixing drinks commonly known as soft drinks, sold by the manufacturer, producer, or importer, a tax of 9 cents per gallon; except that in the case of any such sirups intended to be used in the manufacture of carbonated beverages sold in bottles or other closed containers the rate shall be 5 cents

per gallon. Where any person conducting a soda fountain, ice cream parlor, or other similar place of business manufactures any sirups of the kinds described in this subdivision, there shall be levied, assessed, collected, and paid on each gallon manufactured and used in the preparation of soft drinks a tax of 9 cents per gallon; and where any person manufacturing carbonated beverages manufactures and uses any such sirups in the manufacture of carbonated beverages sold in bottles or other closed containers there shall be levied, assessed, collected, and paid on each gallon of such sirups a tax of 5 cents per gallon. The taxes imposed by this subdivision shall not apply to finished or fountain sirups sold for use in the manufacture of a beverage subject to tax under subdivision (a) or (c).

(f) Upon all carbonic acid gas sold by the manufacturer, producer, or importer to a manufacturer of any carbonated beverages, or to any person conducting a soda fountain, ice cream parlor, or other similar place of business, and upon all carbonic acid gas used by the manufacturer, producer, or importer thereof in the preparation of soft drinks, a tax of 4 cents per pound. Carbonic acid gas

SEC. 603. (a) That each manufacturer, producer, or importer of any of the articles enumerated in section 602 and each person who sells carbonic acid gas to a manufacturer of carbonated beverages or to a person conducting a soda fountain, ice cream parlor, or other similar place of business, shall make monthly returns under oath in duplicate and pay the tax imposed in respect to the articles enumerated in section 602 to the collector for the district in which is located the principal place of business. Such returns shall contain such information and be made at such times and in such manner as the Commissioner, with the approval of the Secretary, may by regulations prescribe. The tax shall, without assessment by the Commissioner or Returns

Payment of tax

notice from the collector, be due and payable to the collector at the time so fixed for filing the return. If the tax is not paid when due, there shall be added as part of the tax a penalty of 5 per centum, together with interest at the rate of 1 per centum for each full month from the time when the tax became due.

**Certificate of  
registry**

(b) Each person required to pay any tax imposed by section 602 shall procure and keep posted a certificate of registry in accordance with regulations to be prescribed by the Commissioner, with the approval of the Secretary. Any person who fails to register or keep posted any certificate of registry in accordance with such regulations, shall be subject to a penalty of not more than \$1,000 for each such offense.

## TITLE VII.—TAX ON CIGARS, TOBACCO, AND MANUFACTURES THEREOF.

SEC. 700. (a) That upon cigars and cigarettes manufactured in or imported into the United States, and hereafter sold by the manufacturer or importer, or removed for consumption or sale, there shall be levied, collected, and paid under the provisions of existing law, in lieu of the internal-revenue taxes now imposed thereon by section 700 of the Revenue Act of 1918, the following taxes, to be paid by the manufacturer or importer thereof—

On cigars of all descriptions made of tobacco, or any substitute therefor, and weighing not more than three pounds per thousand, \$1.50 per thousand; Cigars weighing not over 3 lbs. per M.

On cigars made of tobacco, or any substitute therefor, and weighing more than three pounds per thousand, if manufactured or imported to retail at not more than 5 cents each, \$4 per thousand; Cigars weighing over 3 lbs. per M.

If manufactured or imported to retail at more than 5 cents each and not more than 8 cents each, \$6 per thousand;

If manufactured or imported to retail at more than 8 cents and not more than 15 cents each, \$9 per thousand;

If manufactured or imported to retail at more than 15 cents each and not more than 20 cents each, \$12 per thousand;

If manufactured or imported to retail at more than 20 cents each, \$15 per thousand;

On cigarettes made of tobacco, or any substitute therefor, and weighing not more than three pounds per thousand, \$3 per thousand; Cigarettes



Weighing more than three pounds per thousand, \$7.20 per thousand.

**Retail price defined**

(b) Whenever in this section reference is made to cigars manufactured or imported to retail at not over a certain price each, then in determining the tax to be paid regard shall be had to the ordinary retail price of a single cigar.

**Labels on containers**

(c) The Commissioner may, by regulation, require the manufacturer or importer to affix to each box, package, or container a conspicuous label indicating the clause of this section under which the cigars therein contained have been tax-paid, which must correspond with the tax-paid stamp on such box or container.

**Cigarette packages**

(d) Every manufacturer of cigarettes (including small cigars weighing not more than three pounds per thousand) shall put up all the cigarettes and such small cigars that he manufactures or has manufactured for him, and sells or removes for consumption or sale, in packages or parcels containing five, eight, ten, twelve, fifteen, sixteen, twenty, twenty-four, forty, fifty, eighty, or one hundred cigarettes each, and shall securely affix to each of such packages or parcels a suitable stamp denoting the tax thereon and shall properly cancel the same prior to such sale or removal for consumption or sale under such regulations as the Commissioner, with the approval of the Secretary, shall prescribe; and all cigarettes imported from a foreign country shall be packed, stamped, and the stamps canceled in a like manner, in addition to the import stamp indicating inspection of the customhouse before they are withdrawn therefrom.

**Tobacco and snuff**

SEC. 701. (a) That upon all tobacco and snuff manufactured in or imported into the United States, and hereafter sold by the manufacturer or importer, or removed for consumption or sale, there shall be levied, collected, and paid, in lieu of the internal-revenue taxes now imposed thereon by

section 701 of the Revenue Act of 1918, a tax of 18 cents per pound, to be paid by the manufacturer or importer thereof.

(b) Section 3362 of the Revised Statutes, as amended by section 701 of the Revenue Act of 1918, is re-enacted without change, as follows:

Section 3362,  
U. S. R. S.

"SEC. 3362. All manufactured tobacco shall be put up and prepared by the manufacturer for sale, or removal for sale or consumption, in packages of the following description and in no other manner:

Tobacco packages

"All smoking tobacco, snuff, fine-cut chewing tobacco, all cut and granulated tobacco, all shorts, the refuse of fine-cut chewing, which has passed through a riddle of thirty-six meshes to the square inch, and all refuse scraps, clippings, cuttings, and sweepings of tobacco, and all other kinds of tobacco not otherwise provided for, in packages containing one-eighth of an ounce, three-eighths of an ounce, and further packages with a difference between each package and the one next smaller of one-eighth of an ounce up to and including two ounces, and further packages with a difference between each package and the one next smaller of one-fourth of an ounce up to and including four ounces, and packages of five ounces, six ounces, seven ounces, eight ounces, ten ounces, twelve ounces, fourteen ounces, and sixteen ounces: *Provided*, That snuff may, at the option of the manufacturer, be put up in bladders and in jars containing not exceeding twenty pounds.

"All cavendish, plug, and twist tobacco, in wooden packages not exceeding two hundred pounds net weight.

"And every such wooden package shall have printed or marked thereon the manufacturer's name and place of manufacture, the registered number of the manufactory, and the gross weight, the tare, and the net weight of the tobacco in each

Information on  
packages

Export packages

Sales in bulk

package: *Provided*, That these limitations and descriptions of packages shall not apply to tobacco and snuff transported in bond for exportation and actually exported: *And provided further*, That perique tobacco, snuff flour, fine-cut shorts, the refuse of fine-cut chewing tobacco, refuse scraps, clippings, cuttings, and sweepings of tobacco, may be sold in bulk as material, and without the payment of tax, by one manufacturer directly to another manufacturer, or for export, under such restrictions, rules, and regulations as the Commissioner of Internal Revenue may prescribe: *And provided further*, That wood, metal, paper, or other materials may be used separately or in combination for packing tobacco, snuff, and cigars, under such regulations as the Commissioner of Internal Revenue may establish."

Cigarette paper

SEC. 703. That there shall be levied, collected, and paid, in lieu of the taxes imposed by section 703 of the Revenue Act of 1918, upon cigarette paper made up into packages, books, sets, or tubes, made up in or imported into the United States and hereafter sold by the manufacturer or importer to any person (other than to a manufacturer of cigarettes for use by him in the manufacture of cigarettes) the following taxes, to be paid by the manufacturer or importer: On each package, book, or set, containing more than twenty-five but not more than fifty papers,  $\frac{1}{2}$  cent; containing more than fifty but not more than one hundred papers, 1 cent; containing more than one hundred papers,  $\frac{1}{2}$  cent for each fifty papers or fractional part thereof; and upon tubes, 1 cent for each fifty tubes or fractional part thereof.

Bond and records  
of cigarette  
manufacturer

Every manufacturer of cigarettes purchasing any cigarette paper made up into tubes (a) shall give bond in an amount and with sureties satisfactory to the Commissioner that he will use such tubes in the manufacture of cigarettes or pay thereon a

tax equivalent to the tax imposed by this section, and (b) shall keep such records and render under oath such returns as the Commissioner finds necessary to show the disposition of all tubes purchased or imported by such manufacturer of cigarettes.

SEC. 704. That section 3360 of the Revised Statutes, as amended by section 704 of the Revenue Act of 1918, is re-enacted without change, as follows:

Section 3360,  
U. S. R. S.

"SEC. 3360. (a) Every dealer in leaf tobacco shall file with the collector of the district in which his business is carried on a statement in duplicate, subscribed under oath, setting forth the place, and, if in a city, the street and number of the street, where his business is to be carried on, and the exact location of each place where leaf tobacco is held by him on storage, and, whenever he adds to or discontinues any of his leaf tobacco storage places, he shall give immediate notice to the collector of the district in which he is registered.

Dealers in  
leaf tobacco

"Every such dealer shall give a bond with surety, satisfactory to, and to be approved by, the collector of the district, in such penal sum as the collector may require, not less than \$500; and a new bond may be required in the discretion of the collector, or under instructions of the Commissioner.

Bond

"Every such dealer shall be assigned a number by the collector of the district, which number shall appear in every inventory, invoice and report rendered by the dealer, who shall also obtain certificates from the collector of the district setting forth the place where his business is carried on and the places designated by the dealer as the places of storage of his tobacco, which certificates shall be posted conspicuously within the dealer's registered place of business, and within each designated place of storage.

Dealer's number



**Inventory report**

“(b) Every dealer in leaf tobacco shall make and deliver to the collector of the district a true inventory of the quantity of the different kinds of tobacco held or owned, and where stored by him, on the 1st day of January of each year, or at the time of commencing and at the time of concluding business, if before or after the 1st day of January, such inventory to be made under oath and rendered in such form as may be prescribed by the Commissioner.

**Records**

“Every dealer in leaf tobacco shall render such invoices and keep such records as shall be prescribed by the Commissioner, and shall enter therein, day by day, and upon the same day on which the circumstance, thing or act to be recorded is done or occurs, an accurate account of the number of hogsheads, tierces, cases and bales, and quantity of leaf tobacco contained therein, purchased or received by him, on assignment, consignment, for storage, by transfer or otherwise, and of whom purchased or received, and the number of hogsheads, tierces, cases and bales, and the quantity of leaf tobacco contained therein, sold by him, with the name and residence in each instance of the person to whom sold, and if shipped, to whom shipped, and to what district; such records shall be kept at his place of business at all times and preserved for a period of two years, and the same shall be open at all hours for the inspection of any internal-revenue officer or agent.

**Monthly reports**

“Every dealer in leaf tobacco on or before the tenth day of each month, shall furnish to the collector of the district a true and complete report of all purchases, receipts, sales and shipments of leaf tobacco made by him during the month next preceding, which report shall be verified and rendered in such form as the Commissioner, with the approval of the Secretary, shall prescribe.

“(c) Sales or shipments of leaf tobacco by a dealer in leaf tobacco shall be in quantities of not less than a hogshead, tierce, case, or bale, except loose leaf tobacco comprising the breaks on warehouse floors, and except to a duly registered manufacturer of cigars for use in his own manufactory exclusively. Sales or shipments

“Dealers in leaf tobacco shall make shipments of leaf tobacco only to other dealers in leaf tobacco, to registered manufacturers of tobacco, snuff, cigars or cigarettes, or for export.

“(d) Upon all leaf tobacco sold, removed or shipped by any dealer in leaf tobacco in violation of the provisions of subdivision (c), or in respect to which no report has been made by such dealer in accordance with the provisions of subdivision (b), there shall be levied, assessed, collected and paid a tax equal to the tax then in force upon manufactured tobacco, such tax to be assessed and collected in the same manner as the tax on manufactured tobacco. Penal tax

“(e) Every dealer in leaf tobacco—

Specific penalties

“(1) who neglects or refuses to furnish the statement, to give bond, to keep books, to file inventory or to render the invoices, returns or reports required by the Commissioner, or to notify the collector of the district of additions to his places of storage; or

“(2) who ships or delivers leaf tobacco, except as herein provided; or

“(3) who fraudulently omits to account for tobacco purchased, received, sold, or shipped; shall be fined not less than \$100 or more than \$500, or imprisoned not more than one year, or both.

“(f) For the purposes of this section a farmer or grower of tobacco shall not be regarded as a dealer in leaf tobacco in respect to the leaf tobacco produced by him.” Farmer not a dealer

## TITLE VIII.—TAX ON ADMISSIONS AND DUES.

### Admissions

SEC. 800. (a) That from and after January 1, 1922, there shall be levied, assessed, collected, and paid, in lieu of the taxes imposed by section 800 of the Revenue Act of 1918—

### Rate

(1) A tax of 1 cent for each 10 cents or fraction thereof of the amount paid for admission to any place on or after such date, including admission by season ticket or subscription, to be paid by the person paying for such admission; but where the amount paid for admission is 10 cents or less, no tax shall be imposed;

### Tickets sold at advanced prices by brokers

(2) Upon tickets or cards of admission to theaters, operas, and other places of amusement, sold at news stands, hotels, and places other than the ticket offices of such theaters, operas, or other places of amusement, at not to exceed 50 cents in excess of the sum of the established price therefor at such ticket offices plus the amount of any tax imposed under paragraph (1), a tax equivalent to 5 per centum of the amount of such excess; and if sold for more than 50 cents in excess of the sum of such established price plus the amount of any tax imposed under paragraph (1), a tax equivalent to 50 per centum of the whole amount of such excess, such taxes to be returned and paid, in the manner and subject to the penalties and interest provided in section 903, by the person selling such tickets;

### Tickets sold at advanced prices by employees

(3) A tax equivalent to 50 per centum of the amount for which the proprietors, managers, or employees of any opera house, theater, or other

place of amusement sell or dispose of tickets or cards of admission in excess of the regular or established price or charge therefor, such tax to be returned and paid, in the manner and subject to the penalties and interest provided in section 903, by the person selling such tickets;

(4) In the case of persons having the permanent use of boxes or seats in an opera house or any place of amusement or a lease for the use of such box or seat in such opera house or place of amusement (in lieu of the tax imposed by paragraph (1) ), a tax equivalent to 10 per centum of the amount for which a similar box or seat is sold for each performance or exhibition at which the box or seat is used or reserved by or for the lessee or holder, such tax to be paid by the lessee or holder; and

Permanent use of  
boxes or seats

(5) A tax of  $1\frac{1}{2}$  cents for each 10 cents or fraction thereof of the amount paid for admission to any public performance for profits at any roof garden, cabaret, or other similar entertainment, to which the charge for admission is wholly or in part included in the price paid for refreshment, service, or merchandise; the amount paid for such admission to be deemed to be 20 per centum of the amount paid for refreshment, service, and merchandise; such tax to be paid by the person paying for such refreshment, service, or merchandise.

Cabarets, roof-  
gardens, etc.

(b) No tax shall be levied under this title in respect to (1) any admissions all the proceeds of which inure (A) exclusively to the benefit of religious, educational, or charitable institutions, societies, or organizations, any post of the American Legion or the Women's Auxiliary units thereof, societies for the prevention of cruelty to children or animals, or societies or organizations conducted for the sole purpose of maintaining symphony orchestras and receiving substantial support from voluntary contributions, or of improving any city,

Exemptions



town, village, or other municipality, or of maintaining a cooperative or community center moving-picture theatre—if no part of the net earnings thereof inures to the benefit of any private stockholder or individual; or (B) exclusively to the benefit of persons in the military or naval forces of the United States; or (C) exclusively to the benefit of persons who have served in such forces and are in need; or (2) any admissions to agricultural fairs if no part of the net earnings thereof inures to the benefit of any stockholders or members of the association conducting the same, or admissions to any exhibit, entertainment, or other pay feature conducted by such association as part of any such fair,—if the proceeds therefrom are used exclusively for the improvement, maintenance and operation of such agricultural fairs.

**Admission defined**

(c) The term “admission” as used in this title includes seats and tables, reserved or otherwise, and other similar accommodations, and the charges made therefor.

**Information to be printed on ticket**

(d) The price (exclusive of the tax to be paid by the person paying for admission) at which every admission ticket or card is sold shall be conspicuously and indelibly printed, stamped, or written on the face or back of that part of the ticket which is to be taken up by the management of the theatre, opera, or other place of amusement, together with the name of the vendor if sold other than at the ticket office of the theater, opera, or other place of amusement. Whoever sells an admission ticket or card on which the name of the vendor and price is not so printed, stamped, or written, or at a price in excess of the price so printed, stamped, or written thereon, is guilty of a misdemeanor, and upon conviction thereof shall be fined not more than \$100.

**Penalty**

**Dues and membership fees**

SEC. 801. That from and after January 1, 1922, there shall be levied, assessed, collected, and paid,

in lieu of the taxes imposed by section 801 of the Revenue Act of 1918, a tax equivalent to 10 per centum of any amount paid on or after such date, for any period after such date, (a) as dues or membership fees (where the dues or fees of an active resident annual member are in excess of \$10 per year) to any social, athletic, or sporting club or organization; or (b) as initiation fees to such a club or organization, if such fees amount to more than \$10, or if the dues or membership fees (not including initiation fees) of an active resident annual member are in excess of \$10 per year; such taxes to be paid by the person paying such dues or fees: *Provided*, That there shall be exempted from the provisions of this section all amounts paid as dues or fees to a fraternal society, order, or association, operating under the lodge system. In the case of life memberships a life member shall pay annually, at the time for the payment of dues by active resident annual members, a tax equivalent to the tax upon the amount paid by such a member, but shall pay no tax upon the amount paid for life membership.

Initiation fees

Exemptions

Life memberships

SEC. 802. That every person receiving any payments for such admission, dues, or fees, shall collect the amount of the tax imposed by section 800 or 801 from the person making such payments. Every club or organization having life members, shall collect from such members the amount of the tax imposed by section 801. In all the above cases returns and payments of the amount so collected shall be made at the same time and in the same manner and subject to the same penalties and interest as provided in section 502.

Collection and  
payment of tax

## TITLE IX.—EXCISE TAXES.

On sales by  
manufacturer  
or importer

SEC. 900. That from and after January 1, 1922, there shall be levied, assessed, collected, and paid upon the following articles sold or leased by the manufacturer, producer, or importer, a tax equivalent to the following percentage of the price for which so sold or leased—

Auto trucks and  
accessories

(1) Automobile trucks and automobile wagons (including tires, inner tubes, parts, and accessories therefor, sold on or in connection therewith or with the sale thereof), 3 per centum;

Autos and motorcycles  
and accessories

(2) Other automobiles and motor cycles (including tires, inner tubes, parts, and accessories therefor, sold on or in connection therewith or with the sale thereof), except tractors, 5 per centum;

Accessories

(3) Tires, inner tubes, parts, or accessories for any of the articles enumerated in subdivision (1) or (2), sold to any person other than a manufacturer or producer of any of the articles enumerated in subdivision (1) or (2), 5 per centum;

Cameras

(4) Cameras, weighing not more than 100 pounds, and lenses for such cameras, 10 per centum;

Photo films

(5) Photographic films and plates (other than moving-picture films), 5 per centum;

Candy

(6) Candy, 3 per centum;

Firearms and  
ammunition

(7) Firearms, shells, and cartridges, except those sold for the use of the United States, any State, Territory, or possession of the United States, any political subdivision thereof, or the District of Columbia, 10 per centum;

- (8) Hunting and bowie knives, 10 per centum; Hunting knives, daggers, etc.
- (9) Dirk knives, daggers, sword canes, stilettos, and brass or metallic knuckles, 100 per centum;
- (10) Cigar or cigarette holders and pipes, composed wholly or in part of meerschaum or amber, humidors, and smoking stands, 10 per centum; Pipes, holders, etc.
- (11) Automatic slot-device vending machines, 5 per centum, and automatic slot-device weighing machines, 10 per centum; if the manufacturer, producer, or importer of any such machine operates it for profit, he shall pay a tax in respect to each such machine put into operation equivalent to 5 per centum of its fair market value in the case of a vending machine, and 10 per centum of its fair market value in the case of a weighing machine; Slot machines
- (12) Liveries and livery boots and hats, 10 per centum; Liveries
- (13) Hunting and shooting garments and riding habits, 10 per centum; Sporting habits
- (14) Yachts and motor boats not designed for trade, fishing, or national defense; and pleasure boats and pleasure canoes if sold for more than \$100, 10 per centum. Yachts, pleasure boats, etc.

If any manufacturer, producer, or importer of any of the articles enumerated in this section customarily sells such articles both at wholesale and at retail, the tax in the case of any article sold by him at retail shall be computed on the price for which like articles are sold by him at wholesale. Producer, both wholesaler and retailer

The taxes imposed by this section shall, in the case of any article in respect to which a corresponding tax is imposed by section 900 of the Revenue Act of 1918, be in lieu of such tax.

SEC. 901. That if any person who manufactures, produces or imports any article enumerated in section 900, or leases or licenses for exhibition any positive motion-picture film containing a picture ready for projection, (a) sells, leases, or Tax based on fair market price



licenses such article to a corporation affiliated with such person within the meaning of section 240 of this Act, at less than the fair market price obtainable therefor, the tax thereon shall be computed on the basis of the price at which such article is sold, leased or licensed by such affiliated corporation; and (b) if any such person sells, leases, or licenses such article whether through any agreement, arrangement, or understanding, or otherwise, at less than the fair market price obtainable therefor, either (1) in such manner as directly or indirectly to benefit such person or any person directly or indirectly interested in the business of such person, or (2) with intent to cause such benefit, the amount for which such article is sold, leased or licensed shall be taken to be the amount which would have been received from the sale, lease or license of such article if sold, leased or licensed at the fair market price.

**Works of art**

SEC. 902. That there shall be levied, assessed, collected, and paid upon sculpture, paintings, statuary, art porcelains, and bronzes, sold by any person other than the artist, a tax equivalent to 5 per centum of the price for which so sold. This section shall not apply to the sale of any such article (1) to an educational institution or public art museum, or (2) by any dealer in such articles to another dealer in such articles for resale.

**Monthly returns**

SEC. 903. That every person liable for any tax imposed by section 900, 902, or 904, shall make monthly returns under oath in duplicate and pay the taxes imposed by such sections to the collector for the district in which is located the principal place of business. Such returns shall contain such information and be made at such times and in such manner as the Commissioner, with the approval of the Secretary, may by regulations prescribe.

**Collection and  
payment of tax**

The tax shall, without assessment by the Commissioner or notice from the collector, be due and

payable to the collector at the time so fixed for filing the return. If the tax is not paid when due, there shall be added as part of the tax a penalty of 5 per centum, together with interest at the rate of 1 per centum for each full month, from the time when the tax became due. Penalty

SEC. 904. That from and after January 1, 1922, there shall be levied, assessed, collected, and paid, in lieu of the taxes imposed by section 904 of the Revenue Act of 1918, upon the following articles sold or leased by the manufacturer, producer, or importer, a tax equivalent to 5 per centum of so much of the price for which so sold or leased as is in excess of the price hereinafter specified as to each such article— Excess-price taxes

(1) Carpets and rugs, including fiber, on the amount in excess of \$4.50 per square yard in the case of carpets and \$6 per square yard in the case of rugs; Carpets and rugs

(2) Trunks, on the amount in excess of \$35 each; Trunks

(3) Valises, traveling bags, suit cases, hat boxes used by travelers, and fitted toilet cases, on the amount in excess of \$25 each; Traveling bags

(4) Purses, pocketbooks, shopping and hand bags, on the amount in excess of \$5 each; Hand bags

(5) Portable lighting fixtures, including lamps of all kinds and lamp shades, on the amount in excess of \$10 each; Lighting fixtures

(6) Fans, on the amount in excess of \$1 each. Fans

SEC. 905. (a) That on and after January 1, 1922, there shall be levied, assessed, collected, and paid (in lieu of the tax imposed by section 905 of the Revenue Act of 1918) upon all articles commonly or commercially known as jewelry, whether real or imitation; pearls, precious and semiprecious stones, and imitations thereof; articles made of, Jewelry sold by dealer

or ornamented, mounted or fitted with, precious metals or imitations thereof or ivory (not including surgical instruments, eyeglasses, and spectacles); watches; clocks; opera glasses; lorgnettes; marine glasses; field glasses; and binoculars; upon any of the above when sold by or for a dealer or his estate for consumption or use, a tax equivalent to 5 per centum of the price for which so sold.

**Returns**

(b) Every person selling any of the articles enumerated in this section shall make returns under oath in duplicate (monthly or quarterly as the Commissioner, with the approval of the Secretary, may prescribe) and pay the taxes imposed in respect to such articles by this section to the collector for the district in which is located the principal place of business. Such returns shall contain such information and be made at such times and in such manner as the Commissioner, with the approval of the Secretary, may by regulations prescribe.

**Collection and  
payment**

(c) The tax shall, without assessment by the Commissioner or notice from the collector, be due and payable to the collector at the time so fixed for filing the return. If the tax is not paid when due, there shall be added as part of the tax a penalty of 5 per centum, together with interest at the rate of 1 per centum for each full month, from the time when the tax became due.

**Penalty****Vendee to pay tax  
in certain cases**

SEC. 906. (a) That if (1) any person has, prior to August 15, 1921, made a bona fide contract with a dealer for the sale or lease, after the tax takes effect, of any article in respect to which a tax is imposed by section 900 or 904, or by this subdivision, and in respect to which no corresponding tax was imposed by section 900 of the Revenue Act of 1918, and (2) such contract does not permit the adding, to the amount to be paid thereunder, of the whole of the tax imposed by section 900 or 904 of this Act or by this subdivision; then the

vendee or lessee shall, in lieu of the vendor or lessor, pay so much of the tax imposed by section 900 or 904 of this Act or by this subdivision as is not so permitted to be added to the contract price. If a contract of the character above described was made with any person other than a dealer, no tax shall be collected under this Act.

(b) If (1) any person has, prior to August 15, 1921, made a bona fide contract with any other person for the sale or lease, after the tax takes effect, of any article in respect to which a tax is imposed by section 900 of this Act, and in respect to which a corresponding but greater tax was imposed by section 900 of the Revenue Act of 1918, (2) the contract price includes the amount of the tax imposed by section 900 of the Revenue Act of 1918, and (3) such contract does not permit the deduction, from the amount to be paid thereunder, of the whole of the difference between the corresponding tax imposed by section 900 of the Revenue Act of 1918 and the tax imposed by section 900 of this Act; then the vendor or lessor shall refund to the vendee or lessee so much of the amount of such difference as is not so permitted to be deducted from the contract price.

Refund of tax  
by vendor in  
certain cases

(c) If (1) any person has, prior to August 15, 1921, made a bona fide contract with any other person for the sale or lease, after December 31, 1921, of any article in respect to which a tax was imposed by section 900 of the Revenue Act of 1918, and in respect to which no corresponding tax is imposed by section 900 of this Act, (2) the contract price includes the amount of the tax imposed by section 900 of the Revenue Act of 1918, and (3) such contract does not permit deduction, from the amount to be paid thereunder, of the tax imposed by section 900 of the Revenue Act of 1918; then the vendor or lessor shall refund to the vendee



or lessee so much of the amount of such tax as is not so permitted to be deducted from the contract price.

Vendor to return  
and pay tax

(d) The taxes payable by the vendee or lessee under subdivision (a), shall be paid to the vendor or lessor at the time the sale or lease is consummated, and collected, returned, and paid to the United States by such vendor or lessor in the same manner and subject to the same penalties and interest as provided by section 903.

Liability of vendor

(e) Any refund by the vendor or lessor under subdivision (b) or (c) shall be made at the time the sale or lease is consummated. Upon the failure of the vendor or lessor so to refund, he shall be liable to the vendee or lessee for damages in the amount of three times the amount of such refund, and the court shall include in any judgment in favor of the vendee or lessee in any suit for the recovery of such damages, costs of the suit and a reasonable attorney's fee to be fixed by the court.

Vendee as dealer

(f) A vendee who purchases any article with intent to use it in the manufacture or production of another article intended for sale shall be included in the term "dealer," as used in this section.

## TITLE X.—SPECIAL TAXES.

### Capital Stock Tax.

SEC. 1000. (a) That on and after July 1, 1922, Effective date  
in lieu of the tax imposed by section 1000 of the July 1, 1922  
Revenue Act of 1918—

(1) Every domestic corporation shall pay Domestic corporations  
annually a special excise tax with respect to carry-  
ing on or doing business, equivalent to \$1 for each  
\$1,000 of so much of the fair average value of its  
capital stock for the preceding year ending June  
30 as is in excess of \$5,000. In estimating the value  
of capital stock the surplus and undivided profits  
shall be included;

(2) Every foreign corporation shall pay Foreign corporations  
annually a special excise tax with respect to carry-  
ing on or doing business in the United States,  
equivalent to \$1 for each \$1,000 of the average  
amount of capital employed in the transaction of  
its business in the United States during the pre-  
ceding year ending June 30.

(b) The taxes imposed by this section shall not Corporations not  
apply in any year to any corporation which was affected  
not engaged in business (or, in the case of a for-  
eign corporation, not engaged in business in the  
United States) during the preceding year ending  
June 30, nor to any corporation enumerated in  
section 231, nor to any insurance company subject  
to the tax imposed by section 243 or 246.

(c) Section 257 shall apply to all returns filed Returns as public  
with the Commissioner for purposes of the tax im- records  
posed by this section.

## Miscellaneous Occupational Taxes.

Effective date  
July 1, 1922

SEC. 1001. That on and after July 1, 1922, there shall be levied, collected, and paid annually the following special taxes—

Brokers

(1) Brokers shall pay \$50. Every person whose business it is to negotiate purchases or sales of stocks, bonds, exchange, bullion, coined money, bank notes, promissory notes, other securities, produce or merchandise, for others, shall be regarded as a broker. If a broker is a member of a stock exchange, or if he is a member of any produce exchange, board of trade, or similar organization, where produce or merchandise is sold, he shall pay an additional amount as follows: If the average value, during the preceding year ending June 30, of a seat or membership in such exchange or organization was \$2,000 or more but not more than \$5,000, \$100; if such value was more than \$5,000, \$150.

Pawnbrokers

(2) Pawnbrokers shall pay \$100. Every person whose business or occupation it is to take or receive, by the way of pledge, pawn, or exchange, any goods, wares, or merchandise, or any kind of personal property whatever, as security for the repayment of money loaned thereon, shall be regarded as a pawnbroker.

Ship brokers

(3) Ship brokers shall pay \$50. Every person whose business it is as a broker to negotiate freights and other business for the owners of vessels or for the shippers or consignors or consignees of freight carried by vessels, shall be regarded as a ship broker.

Customs brokers

(4) Customhouse brokers shall pay \$50. Every person whose occupation it is, as the agent of others, to arrange entries and other customhouse papers, or transact business at any port of entry relating to the importation or exportation of goods, wares,

or merchandise, shall be regarded as a customhouse broker.

(5) Proprietors of theaters, museums, and concert halls, where a charge for admission is made, having a seating capacity of not more than two hundred and fifty, shall pay \$50; having a seating capacity of more than two hundred and fifty and not exceeding five hundred, shall pay \$100; having a seating capacity exceeding five hundred and not exceeding eight hundred, shall pay \$150; having a seating capacity of more than eight hundred, shall pay \$200. Every edifice used for the purpose of dramatic or operatic or other representations, plays, or performances, for admission to which entrance money is received, not including halls or armories rented or used occasionally for concerts or theatrical representations, and not including edifices owned by religious, educational or charitable institutions, societies or organizations where all the proceeds from admissions inure exclusively to the benefit of such institutions, societies or organizations or exclusively to the benefit of persons in the military or naval forces of the United States, shall be regarded as a theater: *Provided*, That in cities, towns, or villages of five thousand inhabitants or less the amount of such payment shall be one-half of that above stated: *Provided further*, That whenever any such edifice is under lease at the time the tax is due, the tax shall be paid by the lessee, unless otherwise stipulated between the parties to the lease.

Proprietors of  
amusement places

Leased halls

(6) The proprietor or proprietors of circuses shall pay \$100. Every building, space, tent, or area, where feats of horsemanship or acrobatic sports or theatrical performances not otherwise provided for in this section are exhibited shall be regarded as a circus: *Provided*, That no special tax paid in one State, Territory, or the District of Columbia, shall exempt exhibitions from the tax in

Circus proprietors



another State, Territory, or the District of Columbia, and but one special tax shall be imposed for exhibitions within any one State, Territory, or District.

**Proprietors of  
exhibitions**

(7) Proprietors or agents of all other public exhibitions or shows for money not enumerated in this section shall pay \$15: *Provided*, That a special tax paid in one State, Territory, or the District of Columbia shall not exempt exhibitions from the tax in another State, Territory, or the District of Columbia, and but one special tax shall be required for exhibitions within any one State, Territory, or the District of Columbia: *Provided further*, That this paragraph shall not apply to Chautauquas, lecture lyceums, agricultural or industrial fairs, or exhibitions held under the auspices of religious or charitable associations: *Provided further*, That an aggregation of entertainments, known as a street fair, shall not pay a larger tax than \$100 in any State, Territory, or in the District of Columbia.

**Exceptions**

**Proprietors of  
bowling alleys and  
billiard rooms**

(8) Proprietors of bowling alleys and billiard rooms shall pay \$10 for each alley or table. Every building or place where bowls are thrown or where games of billiards or pool are played, except in private homes, shall be regarded as a bowling alley or a billiard room, respectively.

**Proprietors of  
shooting galleries**

(9) Proprietors of shooting galleries shall pay \$20. Every building, space, tent, or area, where a charge is made for the discharge of firearms at any form of target shall be regarded as a shooting gallery.

**Proprietors of  
riding academies**

(10) Proprietors of riding academies shall pay \$100. Every building, space, tent, or area, where a charge is made for instruction in horsemanship or for facilities for the practice of horsemanship shall be regarded as a riding academy: *Provided*, That this tax shall not be collected from associations composed exclusively of members of units of the Federalized National Guard or the Organized Re-

serve and whose receipts are used exclusively for the benefit of such units.

(11) Persons carrying on the business of operating or renting passenger automobiles for hire shall pay \$10 for each such automobile having a seating capacity of more than two and not more than seven, and \$20 for each such automobile having a seating capacity of more than seven. Persons renting autos for hire

(12) Every person carrying on the business of a brewer, distiller, wholesale liquor dealer, retail liquor dealer, wholesale dealer in malt liquor, retail dealer in malt liquor, or manufacturer of stills, as defined in section 3244 as amended and section 3247 of the Revised Statutes, in any State, Territory, or District of the United States contrary to the laws of such State, Territory, or District, or in any place therein in which carrying on such business is prohibited by local or municipal law, shall pay, in addition to all other taxes, special or otherwise, imposed by existing law or by this Act, \$1,000. Brewers, distillers, and liquor dealers

The payment of the tax imposed by this subdivision shall not be held to exempt any person from any penalty or punishment provided for by the laws of any State, Territory, or District for carrying on such business in such State, Territory, or District, or in any manner to authorize the commencement or continuance of such business contrary to the laws of such State, Territory, or District, or in places prohibited by local or municipal law. Tax confers no license

The taxes imposed by this section shall, in the case of persons upon whom a corresponding tax is imposed by section 1001 of the Revenue Act of 1918, be in lieu of such tax.

#### Special Tobacco Manufacturers' Tax.

SEC. 1002. That on and after July 1, 1922, there shall be levied, collected, and paid annually, in lieu of the taxes imposed by section 1002 of the Effective date  
July 1, 1922

Revenue Act of 1918, the following special taxes, the amount of such taxes to be computed on the basis of the sales for the preceding year ending June 30—

**Tobacco  
manufacturers**

Manufacturers of tobacco whose annual sales do not exceed fifty thousand pounds shall each pay \$6;

Manufacturers of tobacco whose annual sales exceed fifty thousand and do not exceed one hundred thousand pounds shall each pay \$12;

Manufacturers of tobacco whose annual sales exceed one hundred thousand and do not exceed two hundred thousand pounds shall each pay \$24;

Manufacturers of tobacco whose annual sales exceed two hundred thousand pounds shall each pay \$24, and at the rate of 16 cents per thousand pounds, or fraction thereof, in respect to the excess over two hundred thousand pounds;

**Cigar manufacturers**

Manufacturers of cigars whose annual sales do not exceed fifty thousand cigars shall each pay \$4;

Manufacturers of cigars whose annual sales exceed fifty thousand and do not exceed one hundred thousand cigars shall each pay \$6;

Manufacturers of cigars whose annual sales exceed one hundred thousand and do not exceed two hundred thousand cigars shall each pay \$12;

Manufacturers of cigars whose annual sales exceed two hundred thousand and do not exceed four hundred thousand cigars shall each pay \$24;

Manufacturers of cigars whose annual sales exceed four hundred thousand cigars shall each pay \$24, and at the rate of 10 cents per thousand cigars, or fraction thereof, in respect to the excess over four hundred thousand cigars;

**Cigarette  
manufacturers**

Manufacturers of cigarettes, including small cigars weighing not more than three pounds per thousand, shall each pay at the rate of 6 cents for every ten thousand cigarettes, or fraction thereof.

In arriving at the amount of special tax to be paid under this section, and in the levy and collection of such tax, each person engaged in the manufacture of more than one of the classes of articles specified in this section shall be considered and deemed a manufacturer of each class separately.

In computing under this section the amount of annual sales no account shall be taken of tobacco, cigars, or cigarettes, sold for export and in due course so exported. Export sales  
excluded

#### Special Tax on Use of Boats.

SEC. 1003. That on and after July 1, 1922, and thereafter on July 1 in each year, and also at the time of the original purchase of a new boat by a user, if on any other date than July 1, there shall be levied, assessed, collected, and paid, in lieu of the tax imposed by section 1003 of the Revenue Act of 1918, upon the use of yachts, pleasure boats, power boats, sailing boats, and motor boats with fixed engines, of over five net tons and over thirty-two feet in length, not used exclusively for trade, fishing, or national defense, or not built according to plans and specifications approved by the Navy Department, a special excise tax to be based on each yacht or boat, at rates as follows: Yachts, pleasure boats, power boats, motor boats with fixed engines, and sailing boats, of over five net tons, length over thirty-two feet and not over fifty feet, \$1 for each foot; length over fifty feet, and not over one hundred feet, \$2 for each foot; length over one hundred feet, \$4 for each foot. Effective date  
July 1, 1922

In determining the length of such yachts, pleasure boats, power boats, motor boats with fixed engines, and sailing boats, the measurement of overall length shall govern. Classification  
and rates

In the case of a tax imposed at the time of the original purchase of a new boat on any other date Measurement  
of length



Tax for portion  
of one year

than July 1, the amount to be paid shall be the same number of twelfths of the amount of the tax as the number of calendar months (including the month of sale) remaining prior to the following July 1.

Exemption

This section shall not apply to vessels or boats used without profit by any benevolent, charitable, or religious organizations, exclusively for furnishing aid, comfort, or relief to seamen.

#### Penalty for Nonpayment of Special Taxes.

Specific penalty

SEC. 1004. That any person who carries on any business or occupation for which a special tax is imposed by sections 1000, 1001 or 1002, without having paid the special tax therein provided, shall, besides being liable for the payment of such special tax, be subject to a penalty of not more than \$1,000 or to imprisonment for not more than one year, or both.

#### Tax on Narcotics.

Harrison Narcotic  
Act, Section 1, as  
amended

SEC. 1005. That section 1 of the Act entitled "An Act to provide for the registration of, with collectors of internal revenue, and to impose a special tax upon all persons who produce, import, manufacture, compound, deal in, dispense, sell, distribute, or give away opium or coca leaves, their salts, derivatives, or preparations, and for other purposes," approved December 17, 1914, as amended by section 1006 of the Revenue Act of 1918, is re-enacted without change, as follows:

Registration of  
drug dealers

"Section 1. That on or before July 1 of each year every person who imports, manufactures, produces, compounds, sells, deals in, dispenses, or gives away opium or coca leaves, or any compound, manufacture, salt, derivative, or preparation thereof, shall register with the collector of internal revenue of the district his name or style, place of busi-

ness and place or places where such business is to be carried on, and pay the special taxes hereinafter provided;

"Every person who on January 1, 1919, is engaged in any of the activities above enumerated, or who between such date and the passage of this Act first engaged in any of such activities, shall within thirty days after the passage of this Act make like registration, and shall pay the proportionate part of the tax for the period ending June 30, 1919; and

"Every person who first engages in any of such activities after the passage of this Act shall immediately make like registration and pay the proportionate part of the tax for the period ending on the following June 30th;

"Importers, manufacturers, producers, or compounders, \$24 per annum; wholesale dealers, \$12 per annum; retail dealers, \$6 per annum; physicians, dentists, veterinary surgeons, and other practitioners lawfully entitled to distribute, dispense, give away, or administer any of the aforesaid drugs to patients upon whom they in the course of their professional practice are in attendance, shall pay \$3 per annum. Rates

"Every person who imports, manufactures, compounds, or otherwise produces for sale or distribution any of the aforesaid drugs shall be deemed to be an importer, manufacturer, or producer. Importer,  
manufacturer,  
or producer

"Every person who sells or offers for sale any of said drugs in the original stamped packages, as hereinafter provided, shall be deemed a wholesale dealer. Wholesale dealer

"Every person who sells or dispenses from original stamped packages, as hereinafter provided, shall be deemed a retail dealer: *Provided*, That the office, or if none, the residence, of any person shall be considered for the purpose of this Act his place of business; but no employee of any person Retail dealer  
  
Place of business  
Employees

**Public officials**

who has registered and paid special tax as herein required, acting within the scope of his employment, shall be required to register and pay special tax provided by this section: *Provided further*, That officials of the United States, Territorial, District of Columbia, or insular possessions, State or municipal governments, who in the exercise of their official duties engage in any of the business herein described, shall not be required to register, nor pay special tax, nor stamp the aforesaid drugs as hereinafter prescribed, but their right to this exemption shall be evidenced in such manner as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may by regulations prescribe.

**Registration must precede dealing**

“It shall be unlawful for any person required to register under the provisions of this Act to import, manufacture, produce, compound, sell, deal in, dispense, distribute, administer, or give away any of the aforesaid drugs without having registered and paid the special tax as imposed by this section.

**Person defined**

“That the word ‘person’ as used in this Act shall be construed to mean and include a partnership, association, company, or corporation, as well as a natural person; and all provisions of existing law relating to special taxes, as far as necessary, are hereby extended and made applicable to this section.

**Tax on drugs**

“That there shall be levied, assessed, collected, and paid upon opium, coca leaves, any compound, salt, derivative, or preparation thereof, produced in or imported into the United States, and sold, or removed for consumption or sale, an internal-revenue tax at the rate of 1 cent per ounce, and any fraction of an ounce in a package shall be taxed as an ounce, such tax to be paid by the importer, manufacturer, producer, or compounder thereof, and to be represented by appropriate stamps, to be provided by the Commissioner of Internal Revenue,

**Rate**

with the approval of the Secretary of the Treasury; and the stamps herein provided shall be so affixed to the bottle or other container as to securely seal the stopper, covering, or wrapper thereof.

“The tax imposed by this section shall be in addition to any import duty imposed on the aforesaid drugs.

“It shall be unlawful for any person to purchase, sell, dispense, or distribute any of the aforesaid drugs except in the original stamped package or from the original stamped package; and the absence of appropriate tax-paid stamps from any of the aforesaid drugs shall be prima facie evidence of a violation of this section by the person in whose possession same may be found; and the possession of any original stamped package containing any of the aforesaid drugs by any person who has not registered and paid special taxes as required by this section shall be prima facie evidence of liability to such special tax: *Provided*, That the provisions of this paragraph shall not apply to any person having in his or her possession any of the aforesaid drugs which have been obtained from a registered dealer in pursuance of a prescription, written for legitimate medical uses, issued by a physician, dentist, veterinary surgeon, or other practitioner registered under this Act; and where the bottle or other container in which such drug may be put up by the dealer upon said prescription bears the name and registry number of the druggist, serial number of prescription, name and address of the patient, and name, address, and registry number of the person writing said prescription; or to the dispensing, or administration, or giving away of any of the aforesaid drugs to a patient by a registered physician, dentist, veterinary surgeon, or other practitioner in the course of his professional practice, and where said drugs are dispensed or administered to the patient for legitimate medical purposes, and the

Original stamped  
packages

Exceptions



**Revenue stamp  
law**

record kept as required by this Act of the drugs so dispensed, administered, distributed, or given away.

“And all the provisions of existing laws relating to the engraving, issuance, sale, accountability, cancellation, and destruction of tax-paid stamps provided for in the internal-revenue laws are, in so far as necessary, hereby extended and made to apply to stamps provided by this section.

**Unstamped packages**

“That all unstamped packages of the aforesaid drugs found in the possession of any person, except as herein provided, shall be subject to seizure and forfeiture, and all the provisions of existing internal-revenue laws relating to searches, seizures, and forfeitures of unstamped articles are hereby extended to and made to apply to the articles taxed under this Act and the persons upon whom these taxes are imposed.

**Records and returns**

“Importers, manufacturers, and wholesale dealers shall keep such books and records and render such monthly returns in relation to the transactions in the aforesaid drugs as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may by regulations require.

**Regulations**

“The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall make all needful rules and regulations for carrying the provisions of this Act into effect.”

**Harrison Narcotic Act,  
Section 6, as amended**

SEC. 1006. That section 6 of such Act of December 17, 1914, as amended by section 1007 of the Revenue Act of 1918, is re-enacted without change, as follows:

**Exceptions**

“SEC. 6. That the provisions of this Act shall not be construed to apply to the manufacture, sale, distribution, giving away, dispensing, or possession of preparations and remedies which do not contain more than two grains of opium, or more than one-fourth of a grain of morphine, or more than one-eighth of a grain of heroin, or more than one grain of codeine, or any salt or derivative of any of them

in one fluid ounce, or, if a solid or semisolid preparation, in one avoirdupois ounce; or to liniments, ointments, or other preparations which are prepared for external use, only, except liniments, ointments, and other preparations which contain cocaine or any of its salts or alpha or beta eucaine or any of their salts or any synthetic substitute for them: *Provided*, That such remedies and preparations are manufactured, sold, distributed, given away, dispensed, or possessed as medicines and not for the purpose of evading the intentions and provisions of this Act: *Provided further*, That any manufacturer, producer, compounder, or vendor (including dispensing physicians) of the preparations and remedies mentioned in this section shall keep a record of all sales, exchanges, or gifts of such preparations and remedies in such manner as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall direct. Such record shall be preserved for a period of two years in such a way as to be readily accessible to inspection by any officer, agent or employee of the Treasury Department duly authorized for that purpose, and the State, Territorial, District, municipal, and insular officers named in section 5 of this Act, and every such person so possessing or disposing of such preparations and remedies shall register as required in section 1 of this Act and, if he is not paying a tax under this Act, he shall pay a special tax of \$1 for each year, or fractional part thereof, in which he is engaged in such occupation, to the collector of internal revenue of the district in which he carries on such occupation as provided in this Act. The provisions of this Act as amended shall not apply to decocainized coca leaves or preparations made therefrom, or to other preparations of coca leaves which do not contain cocaine."

Records

Registration

Special tax

SEC. 1007. That all opium, its salts, derivatives, and compounds, and coca leaves, salts, derivatives,

**Confiscation of drugs** and compounds thereof, which may now be under seizure or which may hereafter be seized by the United States Government from any person or persons charged with any violation of the Act of October 1, 1890, as amended by the Acts of March 3, 1897, February 9, 1909, and January 17, 1914, or the Act of December 17, 1914, as amended, shall upon conviction of the person or persons from whom seized be confiscated by and forfeited to the United States; and the Secretary is hereby authorized to deliver for medical or scientific purposes to any department, bureau, or other agency of the United States Government, upon proper application therefor under such regulation as may be prescribed by the Commissioner, with the approval of the Secretary, any of the drugs so seized, confiscated, and forfeited to the United States.

**Disposition of  
confiscated drugs**

The provisions of this section shall also apply to any of the aforesaid drugs seized or coming into the possession of the United States in the enforcement of any of the above-mentioned Acts where the owner or owners thereof are unknown. None of the aforesaid drugs coming into possession of the United States under the operation of said Acts, or the provisions of this section, shall be destroyed without certification by a committee appointed by the Commissioner, with the approval of the Secretary, that they are of no value for medical or scientific purposes.

## TITLE XI.—STAMP TAXES.

SEC. 1100. That on and after January 1, 1922, there shall be levied, collected, and paid, for and in respect of the several bonds, debentures, or certificates of stock and of indebtedness, and other documents, instruments, matters, and things mentioned and described in Schedule A of this title, or for or in respect of the vellum, parchment, or paper upon which such instruments, matters, or things, or any of them, are written or printed, by any person who makes, signs, issues, sells, removes, consigns, or ships the same, or for whose use or benefit the same are made, signed, issued, sold, removed, consigned, or shipped, the several taxes specified in such schedule. The taxes imposed by this section shall, in the case of any article upon which a corresponding stamp tax is now imposed by law, be in lieu of such tax.

SEC. 1101. That there shall not be taxed under this title any bond, note, or other instrument, issued by the United States, or by any foreign Government, or by any State, Territory, or the District of Columbia, or local subdivision thereof, or municipal or other corporation exercising the taxing power; or any bond of indemnity required to be filed by any person to secure payment of any pension, allowance, allotment, relief, or insurance by the United States, or to secure a duplicate for, or the payment of, any bond, note, certificate of indebtedness, war-savings certificate, warrant or check, issued by the United States; or stocks and bonds issued by co-operative building and loan associations which are organized and operated exclusively for the benefit

Effective date,  
January 1, 1922

Exemptions:  
Obligations of  
governments

Bonds to United  
States

Securities of certain  
mutual associations



of their members and make loans only to their shareholders, or by mutual ditch or irrigation companies.

SEC. 1102. That whoever—

Penalty for  
non-payment  
of tax

(a) Makes, signs, issues, or accepts, or causes to be made, signed, issued, or accepted, any instrument, document, or paper of any kind or description whatsoever without the full amount of tax thereon being duly paid;

(b) Manufactures or imports and sells, or offers for sale, or causes to be manufactured or imported and sold, or offered for sale, any playing cards, package, or other article without the full amount of tax being duly paid;

(c) Makes use of any adhesive stamp to denote any tax imposed by this title without canceling or obliterating such stamp as prescribed in section 1104:

Is guilty of a misdemeanor and upon conviction thereof shall pay a fine of not more than \$100 for each offense.

SEC. 1103. That whoever—

Penalty for fraudulent  
misuse of stamps

(a) Fraudulently cuts, tears, or removes from any vellum, parchment, paper, instrument, writing, package, or article, upon which any tax is imposed by this title, any adhesive stamp or the impression of any stamp, die, plate, or other article provided, made, or used in pursuance of this title;

(b) Fraudulently uses, joins, fixes, or places to, with, or upon any vellum, parchment, paper, instrument, writing, package, or article, upon which any tax is imposed by this title, (1) any adhesive stamp, or the impression of any stamp, die, plate, or other article, which has been cut, torn, or removed from any other vellum, parchment, paper, instrument, writing, package, or article, upon which any tax is imposed by this title; or (2) any adhesive stamp or the impression of any stamp, die, plate, or other article of insufficient value; or (3)

any forged or counterfeited stamp, or the impression of any forged or counterfeited stamp, die, plate, or other article;

(c) Willfully removes, or alters the cancellation, or defacing marks of, or otherwise prepares, any adhesive stamp, with intent to use, or cause the same to be used, after it has been already used, or knowingly or willfully buys, sells, offers for sale, or gives away, any such washed or restored stamp to any person for use, or knowingly uses the same;

(d) Knowingly and without lawful excuse (the burden of proof of such excuse being on the accused) has in possession any washed, restored, or altered stamp, which has been removed from any vellum, parchment, paper, instrument, writing, package, or article;

Is guilty of a misdemeanor, and upon conviction shall be punished by a fine of not more than \$1,000, or by imprisonment for not more than five years, or both, and any such reused, canceled, or counterfeited stamp and the vellum, parchment, document, paper, package, or article upon which it is placed or impressed shall be forfeited to the United States.

SEC. 1104. That whenever an adhesive stamp is used for denoting any tax imposed by this title, except as hereinafter provided, the person using or affixing the same shall write or stamp or cause to be written or stamped thereupon the initials of his or its name and the date upon which the same is attached or used, so that the same may not again be used: *Provided*, That the Commissioner may prescribe such other method for the cancellation of such stamps as he may deem expedient.

Cancellation of  
stamps

SEC. 1105. (a) That the Commissioner shall cause to be prepared and distributed for the payment of the taxes prescribed in this title suitable stamps denoting the tax on the document, articles, or thing to which the same may be affixed, and shall

Preparation and  
distribution of  
stamps

prescribe such method for the affixing of said stamps in substitution for or in addition to the method provided in this title, as he may deem expedient.

Extension of revenue  
laws

(b) All internal revenue laws relating to the assessment and collection of taxes are hereby extended to and made a part of this title, so far as applicable, for the purpose of collecting stamp taxes omitted through mistake or fraud from any instrument, document, paper, writing, parcel, package, or article named herein.

Sale of stamps at  
postoffices

SEC. 1106. That the Commissioner shall furnish to the Postmaster General without prepayment a suitable quantity of adhesive stamps to be distributed to and kept on sale by the various postmasters in the United States. The Postmaster General may require each such postmaster to give additional or increased bond as postmaster for the value of the stamps so furnished, and each such postmaster shall deposit the receipts from the sale of such stamps to the credit of and render accounts to the Postmaster General at such times and in such form as he may by regulations prescribe. The Postmaster General shall at least once monthly transfer all collections from this source to the Treasury as internal-revenue collections.

Sale through  
Treasury agencies

SEC. 1107. (a) That each collector shall furnish, without prepayment, to any assistant treasurer or designated depository of the United States, located in the district of such collector, a suitable quantity of adhesive stamps to be kept on sale by such assistant treasurer or designated depository.

(b) Each collector shall furnish, without prepayment, to any person who is (1) located in the district of such collector, (2) duly appointed and acting as agent of any State for the sale of stock transfer stamps of such State, and (3) designated by the Commissioner for the purpose, a suitable

quantity of such adhesive stamps as are required by subdivisions 2, 3, and 4 of Schedule A of this title, to be kept on sale by such person.

(c) In such cases the collector may require a **Surety bond** bond, with sufficient sureties, in a sum to be fixed by the Commissioner, conditioned for the faithful return, whenever so required, of all quantities or amounts undisposed of, and for the payment monthly of all quantities or amounts sold or not remaining on hand. The Secretary may from time to time make such regulations as he may find necessary to insure the safe-keeping or prevent the illegal use of all such adhesive stamps.

**Schedule A.—Stamp Taxes.**

1. Bonds of indebtedness: On all bonds, debentures, or certificates of indebtedness issued by any person, and all instruments, however termed, issued by any corporation with interest coupons or in registered form, known generally as corporate securities, on each \$100 of face value or fraction thereof, 5 cents: *Provided*, That every renewal of the foregoing shall be taxed as a new issue: *Provided further*, That when a bond conditioned for the repayment or payment of money is given in a penal sum greater than the debt secured, the tax shall be based upon the amount secured. **Bonds, issue, or renewal**  
**Rate, 5¢ per \$100**

2. Capital stock, issued: On each original issue, whether on organization or reorganization, of certificates of stock, or of profits, or of interest in property or accumulations, by any corporation, on each \$100 of face value or fraction thereof, 5 cents: *Provided*, That where a certificate is issued without face value, the tax shall be 5 cents per share, unless the actual value is in excess of \$100 per share, in which case the tax shall be 5 cents on each \$100 of actual value or fraction thereof, or unless **Issue of capital stock**  
**Rate, 5¢ per \$100**



the actual value is less than \$100 per share, in which case the tax shall be 1 cent on each \$20 of actual value, or fraction thereof.

Stamps affixed to  
stock books

The stamps representing the tax imposed by this subdivision shall be attached to the stock books and not to the certificates issued.

Stock transfer tax

**3. Capital stock, sales or transfers:** On all sales, or agreements to sell, or memoranda of sales or deliveries of, or transfers of legal title to shares or certificates of stock or of profits or of interest in property or accumulations in any corporation, or to rights to subscribe for or to receive such shares or certificates, whether made upon or shown by the books of the corporation, or by any assignment in blank, or by any delivery, or by any paper or agreement or memorandum or other evidence of transfer or sale, whether entitling the holder in any manner to the benefit of such stock, interest, or rights, or not, on each \$100 of face value or fraction thereof, 2 cents, and where such shares are without par or face value, the tax shall be 2 cents on the transfer or sale or agreement to sell on each share: *Provided*, That it is not intended by this title to impose a tax upon an agreement evidencing a deposit of certificates as collateral security for money loaned thereon, which certificates are not actually sold, nor upon the delivery or transfer for such purpose of certificates so deposited, nor upon mere loans of stock nor upon the return of stock so loaned: *Provided further*, That the tax shall not be imposed upon deliveries or transfers to a broker for sale, nor upon deliveries or transfers by a broker to a customer for whom and upon whose order he has purchased same, but such deliveries or transfers shall be accompanied by a certificate setting forth the facts: *Provided further*, That in case of sale where the evidence of transfer is shown only by the books of the corporation the stamp shall

Rate, 2¢ per \$100

Stock as collateral

Transfer to broker

Stamps, how affixed

be placed upon such books; and where the change of ownership is by transfer of the certificate the stamp shall be placed upon the certificate; and in cases of an agreement to sell or where the transfer is by delivery of the certificate assigned in blank there shall be made and delivered by the seller to the buyer a bill or memorandum of such sale, to which the stamp shall be affixed; and every bill or memorandum of sale or agreement to sell before mentioned shall show the date thereof, the name of the seller, the amount of the sale, and the matter or thing to which it refers. Any person liable to pay the tax as herein provided, or anyone who acts in the matter as agent or broker for such person, who makes any such sale, or who in pursuance of any such sale delivers any certificate or evidence of the sale of any stock, interest or right, or bill or memorandum thereof, as herein required, without having the proper stamps affixed thereto with intent to evade the foregoing provisions, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall pay a fine of not exceeding \$1,000, or be imprisoned not more than six months, or both.

Penalties

4. Produce, sales of, on exchange: Upon each sale, agreement of sale, or agreement to sell (not including so-called transferred or scratch sales), any products or merchandise at, or under the rules or usages of, any exchange, or board of trade, or other similar place, for future delivery, for each \$100 in value of the merchandise covered by said sale or agreement of sale or agreement to sell, 2 cents, and for each additional \$100 or fractional part thereof in excess of \$100, 2 cents: *Provided*, That on every sale or agreement of sale or agreement to sell as aforesaid there shall be made and delivered by the seller to the buyer a bill, memorandum, agreement, or other evidence of such sale, agreement of sale, or agreement to sell, to which there shall be affixed a lawful stamp or stamps in

Sales of futures on  
produce exchange

Rate, 2¢ per \$100

Stamps on  
memoranda of sale

Transfers to clearing  
house

value equal to the amount of the tax on such sale: *Provided further,* That sellers of commodities described herein, having paid the tax provided by this subdivision, may transfer such contracts to a clearing-house corporation or association, and such transfer shall not be deemed to be a sale, or agreement of sale, or an agreement to sell within the provisions of this Act, provided that such transfer shall not vest any beneficial interest in such clearing-house association but shall be made for the sole purpose of enabling such clearing-house association to adjust and balance the accounts of the members of such clearing-house association on their several contracts. Every such bill, memorandum, or other evidence of sale or agreement to sell shall show the date thereof, the name of the seller, the amount of the sale, and the matter or thing to which it refers; and any person liable to pay the tax as herein provided, or anyone who acts in the matter as agent or broker for such person, who makes any such sale or agreement of sale, or agreement to sell, or who, in pursuance of any such sale, agreement of sale, or agreement to sell, delivers any such products or merchandise without a bill, memorandum, or other evidence thereof as herein required, or who delivers such bill, memorandum, or other evidence of sale, or agreement to sell, without having the proper stamps affixed thereto, with intent to evade the foregoing provisions, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall pay a fine of not exceeding \$1,000 or be imprisoned not more than six months, or both.

Penalty

Cash sales exempt

No bill, memorandum, agreement, or other evidence of such sale, or agreement of sale, or agreement to sell, in case of cash sales of products or merchandise for immediate or prompt delivery which in good faith are actually intended to be delivered shall be subject to this tax.

This subdivision shall not affect but shall be in addition to the provisions of the "United States Cotton Futures Act," approved August 11, 1916, as amended, and "The Future Trading Act," approved August 24, 1921.

Future trading acts  
not affected

5. Drafts or checks (payable otherwise than at sight or on demand) upon their acceptance or delivery within the United States whichever is prior, promissory notes, except bank notes issued for circulation, and for each renewal of the same, for a sum not exceeding \$100, 2 cents; and for each additional \$100, or fractional part thereof, 2 cents.

Drafts and promissory  
notes

Rate, 2¢ per \$100

This subdivision shall not apply to a promissory note secured by the pledge of bonds or obligations of the United States issued after April 24, 1917, or secured by the pledge of a promissory note which itself is secured by the pledge of such bonds or obligations: *Provided*, That in either case the par value of such bonds or obligations shall be not less than the amount of such note.

Security of war  
obligations

6. Conveyances: Deed, instrument, or writing, whereby any lands, tenements, or other realty sold shall be granted, assigned, transferred, or otherwise conveyed to, or vested in, the purchaser or purchasers, or any other person or persons, by his, her, or their direction, when the consideration or value of the interest or property conveyed, exclusive of the value of any lien or encumbrance remaining thereon at the time of sale, exceeds \$100 and does not exceed \$500, 50 cents; and for each additional \$500 or fractional part thereof, 50 cents. This subdivision shall not apply to any instrument or writing given to secure a debt.

Conveyances

Rates

7. Entry of any goods, wares, or merchandise at any custom house, either for consumption or warehousing, not exceeding \$100 in value, 25 cents; exceeding \$100 and not exceeding \$500 in value, 50 cents; exceeding \$500 in value, \$1.

Customs entries

Rates



- Entries for withdrawal**      8. Entry for the withdrawal of any goods or merchandise from customs bonded warehouse, 50 cents.
- Foreign steamship tickets**      9. Passage ticket, one way or round trip, for each passenger, sold or issued in the United States for passage by any vessel to a port or place not in the United States, Canada, or Mexico, if costing not exceeding \$30, \$1; costing more than \$30 and not exceeding \$60, \$3; costing more than \$60, \$5. This subdivision shall not apply to passage tickets costing \$10 or less.
- Rates**
- Proxies**      10. Proxy for voting at any election for officers, or meeting for the transaction of business, of any corporation, except religious, educational, charitable, fraternal, or literary societies, or public cemeteries, 10 cents.
- Power of attorney**      11. Power of attorney granting authority to do or perform some act for or in behalf of the grantor, which authority is not otherwise vested in the grantee, 25 cents. This subdivision shall not apply to any papers necessary to be used for the collection of claims from the United States or from any State for pensions, back pay, bounty, or for property lost in the military or naval service, nor to powers of attorney required in bankruptcy cases nor to powers of attorney contained in the application of those who become members of or policyholders in mutual insurance companies doing business on the inter-insurance or reciprocal indemnity plan through an attorney in fact.
- Playing cards**      12. Playing cards: Upon every pack of playing cards containing not more than fifty-four cards, manufactured or imported, and sold, or removed for consumption or sale, a tax of 8 cents per pack.
- Foreign insurance policies on property**      13. On each policy of insurance, or certificate, binder, covering note, memorandum, cablegram, letter, or other instrument by whatever name called whereby insurance is made or renewed upon prop-

erty within the United States (including rents and profits) against peril by sea or on inland waters or in transit on land (including transshipments and storage at termini or way points) or by fire, lightning, tornado, wind-storm, bombardment, invasion, insurrection or riot, issued to or for or in the name of a domestic corporation or partnership or an individual resident of the United States by any foreign corporation or partnership or any individual not a resident of the United States, when such policy or other instrument is not signed or countersigned by an officer or agent of the insurer in a State, Territory, or District of the United States within which such insurer is authorized to do business, a tax of 3 cents on each dollar, or fractional part thereof of the premium charged: *Provided*, That policies of reinsurance shall be exempt from the tax imposed by this subdivision. Rate

Any person to or for whom or in whose name any such policy or other instrument is issued, or any solicitor or broker acting for or on behalf of such person in the procurement of any such policy or other instrument, shall affix the proper stamps to such policy or other instrument, and for failure to affix such stamps with intent to evade the tax shall, in addition to other penalties provided therefor, pay a fine of double the amount of the tax. By whom stamp affixed

## TITLE XII.—TAX ON EMPLOYMENT OF CHILD LABOR.

Mines or quarries

Mills or factories

What constitutes  
child labor

Rate, 10% of net  
profits

Deductions from  
gross profits

SEC. 1200. That every person (other than a bona fide boys' or girls' canning club recognized by the Agricultural Department of a State and of the United States) operating (a) any mine or quarry situated in the United States in which children under the age of sixteen years have been employed or permitted to work during any portion of the taxable year; or (b) any mill, cannery, workshop, factory, or manufacturing establishment situated in the United States in which children under the age of fourteen years have been employed or permitted to work, or children between the ages of fourteen and sixteen have been employed or permitted to work more than eight hours in any day or more than six days in any week, or after the hour of seven o'clock post meridian, or before the hour of six o'clock ante meridian, during any portion of the taxable year, shall pay for each taxable year, in addition to all other taxes imposed by law (but in lieu of the tax imposed by section 1200 of the Revenue Act of 1918), an excise tax equivalent to 10 per centum of the entire net profits received or accrued for such year from the sale or disposition of the product of such mine, quarry, mill, cannery, workshop, factory, or manufacturing establishment.

SEC. 1201. That in computing net profits under the provisions of this title, for the purpose of the tax there shall be allowed as deductions from the gross amount received or accrued for the taxable year from the sale or disposition of such products manufactured within the United States the following items:

(a) The cost of raw materials entering into the production; **Raw materials**

(b) Running expenses, including rentals, cost of repairs, and maintenance, heat, power, insurance, management, and a reasonable allowance for salaries or other compensations for personal services actually rendered, and for depreciation; **Business expenses**

(c) Interest paid within the taxable year on debts or loans contracted to meet the needs of the business, and the proceeds of which have been actually used to meet such needs; **Interest**

(d) Taxes of all kinds paid during the taxable year with respect to the business or property relating to the production; and **Taxes**

(e) Losses actually sustained within the taxable year in connection with the business of producing such products, including losses from fire, flood, storm, or other casualties, and not compensated for by insurance or otherwise. **Losses**

**SEC. 1202.** That if any such person during any taxable year or part thereof, whether under any agreement, arrangement, or understanding or otherwise, sells or disposes of any product of such mine, quarry, mill, cannery, workshop, factory, or manufacturing establishment at less than the fair market price obtainable therefor either (a) in such manner as directly or indirectly to benefit such person or any person directly or indirectly interested in the business of such person; or (b) with intent to cause such benefit; the gross amount received or accrued for such year or part thereof from the sale or disposition of such product shall be taken to be the amount which would have been received or accrued from the sale or disposition of such product if sold at the fair market price. **Sales computed on basis of fair market price**

**SEC. 1203.** (a) That no person subject to the provisions of this title shall be liable for the tax herein imposed if the only employment or permission to work which but for this section would sub- **Certificates of age**



## Federal board

## False statement

## State certificates

## Mistakes of fact

## Returns

ject him to the tax has been of a child as to whom such person has in good faith procured at the time of employing such child or permitting him to work, and has since in good faith relied upon and kept on file a certificate, issued in such form, under such conditions and by such persons as may be prescribed by a board consisting of the Secretary, the Commissioner, and the Secretary of Labor, showing the child to be of such age as not to subject such person to the tax imposed by this title. Any person who knowingly makes a false statement or presents false evidence in or in relation to any such certificate or application therefor shall be punished by a fine of not less than \$100, nor more than \$1,000, or by imprisonment for not more than three months, or by both such fine and imprisonment, in the discretion of the court.

In any State designated by such board an employment certificate or other similar paper as to the age of the child, issued under the laws of that State, and not inconsistent with the provisions of this title, shall have the same force and effect as a certificate herein provided for.

(b) The tax imposed by this title shall not be imposed in the case of any person who proves to the satisfaction of the Secretary that the only employment or permission to work which but for this section would subject him to the tax, has been of a child employed or permitted to work under a mistake of fact as to the age of such child, and without intention to evade the tax.

SEC. 1204. That on or before the first day of the third month following the close of each taxable year, a true and accurate return under oath shall be made by each person subject to the provisions of this title to the collector for the district in which such person has his principal office or place of business, in such form as the Commissioner, with the approval of the Secretary, shall prescribe, set-

ting forth specifically the gross amount of income received or accrued during such year from the sale or disposition of the product of any mine, quarry, mill, cannery, workshop, factory, or manufacturing establishment, in which children have been employed subjecting him to the tax imposed by this title, and from the total thereof deducting the aggregate items of allowance authorized by this title, and such other particulars as to the gross receipts and items of allowance as the Commissioner, with the approval of the Secretary, may require.

SEC. 1205. That all such returns shall be transmitted forthwith by the collector to the Commissioner, who shall, as soon as practicable, assess the tax found due and notify the person making such return of the amount of tax for which such person is liable, and such person shall pay the tax to the collector on or before thirty days from the date of such notice.

Assessment and  
payment of tax

SEC. 1206. That for the purposes of this Act the Commissioner, or any person duly authorized by him, shall have authority to enter and inspect at any time any mine, quarry, mill, cannery, workshop, factory, or manufacturing establishment. The Secretary of Labor, or any person duly authorized by him, shall, for the purpose of complying with a request of the Commissioner to make such an inspection, have like authority, and shall make report to the Commissioner of inspections made under such authority in such form as may be prescribed by the Commissioner with the approval of the Secretary of the Treasury.

Inspection

Any person who refuses or obstructs entry or inspection authorized by this section shall be punished by a fine of not more than \$1,000, or by imprisonment for not more than one year, or both.

Penalty

SEC. 1207. That as used in this title the term "taxable year" shall have the same meaning as provided for the purposes of income tax in section 200.

Taxable year

## **TITLE XIII.—GENERAL ADMINISTRATIVE PROVISIONS.\***

### **Laws Made Applicable.**

Extension of existing  
administrative  
provisions

SEC. 1300. That all administrative, special, or stamp provisions of law, including the law relating to the assessment of taxes, so far as applicable, are hereby extended to and made a part of this Act, and every person liable to any tax imposed by this Act, or for the collection thereof, shall keep such records and render, under oath, such statements and returns, and shall comply with such regulations as the Commissioner, with the approval of the Secretary, may from time to time prescribe.

### **Method of Collecting Tax.**

Commissioner's power

SEC. 1301. That whether or not the method of collecting any tax imposed by Titles V, VI, VII, VIII, IX, or X of this Act is specifically provided therein, any such tax may, under regulations prescribed by the Commissioner with the approval of the Secretary, be collected by stamp, coupon, serial-numbered ticket, or such other reasonable device or method as may be necessary or helpful in securing a complete and prompt collection of the tax. All administrative and penalty provisions of Title XI, in so far as applicable, shall apply to the collection of any tax which the Commissioner determines or prescribes shall be collected in such manner.

### **Penalties.**

SEC. 1302. (a) That any person required under Titles V, VI, VII, VIII, IX, X, or XII, to pay, or to collect, account for and pay over any tax, or

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\* Sections 1800-1818 and 1818 of the Revenue Act of 1918 are not specifically repealed by this Act.

required by law or regulations made under authority thereof to make a return or supply any information for the purposes of the computation, assessment, or collection of any such tax, who fails to pay, collect, or truly account for and pay over any such tax, make any such return or supply any such information at the time or times required by law or regulation shall in addition to other penalties provided by law be subject to a penalty of not more than \$1,000.

Failure to make returns, give information, or collect and pay tax

(b) Any person who willfully refuses to pay, collect, or truly account for and pay over any such tax, make such return or supply such information at the time or times required by law or regulation, or who willfully attempts in any manner to evade such tax shall be guilty of a misdemeanor and in addition to other penalties provided by law shall be fined not more than \$10,000 or imprisoned for not more than one year, or both, together with the costs of prosecution.

Willful neglect

(c) Any person who willfully refuses to pay, collect, or truly account for and pay over any such tax shall in addition to other penalties provided by law be liable to a penalty of the amount of the tax evaded, or not paid, collected, or accounted for and paid over, to be assessed and collected in the same manner as taxes are assessed and collected: *Provided, however,* That no penalty shall be assessed under this subdivision for any offense for which a penalty may be assessed under authority of section 3176 of the Revised Statutes, as amended, or for any offense for which a penalty has been recovered under section 3256 of the Revised Statutes.

Additional penalty

(d) The term "person" as used in this section includes an officer or employee of a corporation or a member or employee of a partnership, who as such officer, employee, or member is under a duty to perform the act in respect of which the violation occurs.

Person defined



**Rules and Regulations.**

Commissioner's  
regulations

SEC. 1303. That the Commissioner, with the approval of the Secretary, is hereby authorized to make all needful rules and regulations for the enforcement of the provisions of this Act.

Acknowledgment  
of returns

The Commissioner, with such approval may by regulation provide that any return required by Titles V, VI, VII, VIII, IX, or X to be under oath may, if the amount of the tax covered thereby is not in excess of \$10, be signed or acknowledged before two witnesses instead of under oath.

**Overpayments and Overcollections.**

Credits and refunds

SEC. 1304. That in the case of any overpayment or overcollection of any tax imposed by section 602 or by Title V, Title VIII, or Title IX, the person making such overpayment or overcollection may take credit therefor against taxes due upon any monthly return, and shall make refund of any excessive amount collected by him upon proper application by the person entitled thereto.

**Articles Exported.**

Beverages, tobacco,  
and excise taxes  
not applicable  
to exports

SEC. 1305. That under such rules and regulations as the Commissioner with the approval of the Secretary may prescribe, the taxes imposed under the provisions of Titles VI, VII or IX shall not apply in respect to articles sold or leased for export and in due course so exported. Under such rules and regulations the amount of any internal-revenue tax erroneously or illegally collected in respect to exported articles may be refunded to the exporter of the article, instead of to the manufacturer, if the manufacturer waives any claim for the amount so to be refunded.

**Fractional Parts of a Cent.**

SEC. 1306. That in the payment of any tax under this Act not payable by stamp a fractional

part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to 1 cent.

#### **Returns.**

SEC. 1307. That whenever in the judgment of the Commissioner necessary he may require any person, by notice served upon him, to make a return or such statements as he deems sufficient to show whether or not such person is liable to tax. Commissioner's discretion

#### **Examination of Books and Witnesses.**

SEC. 1308. That the Commissioner, for the purpose of ascertaining the correctness of any return or for the purpose of making a return where none has been made, is hereby authorized, by any revenue agent or inspector designated by him for that purpose, to examine any books, papers, records, or memoranda bearing upon the matters required to be included in the return, and may require the attendance of the person rendering the return or of any officer or employee of such person, or the attendance of any other person having knowledge in the premises, and may take his testimony with reference to the matter required by law to be included in such return, with power to administer oaths to such person or persons. Commissioner's authority

#### **Unnecessary Examinations.**

SEC. 1309. That no taxpayer shall be subjected to unnecessary examinations or investigations, and only one inspection of a taxpayer's books of account shall be made for each taxable year unless the taxpayer requests otherwise or unless the Commissioner, after investigation, notifies the taxpayer in writing that an additional inspection is necessary. Number of examinations limited

#### **Jurisdiction of Courts.**

SEC. 1310. (a) That if any person is summoned under this Act to appear, to testify, or to produce books, papers or other data, the district court of the United States for the district in which such person District courts

resides shall have jurisdiction by appropriate process to compel such attendance, testimony, or production of books, papers, or other data.

(b) The district courts of the United States at the instance of the United States are hereby invested with such jurisdiction to make and issue, both in actions at law and suits in equity, writs and orders of injunction, and of ne exeat republica, orders appointing receivers, and such other orders and process, and to render such judgments and decrees, granting in proper cases both legal and equitable relief together, as may be necessary or appropriate for the enforcement of the provisions of this Act. The remedies hereby provided are in addition to and not exclusive of any and all other remedies of the United States in such courts or otherwise to enforce such provisions.

Amendment of  
judicial code

(c) Paragraph Twentieth of section 24 of the Judicial Code is amended by adding at the end thereof the following new paragraph:

“Concurrent with the Court of Claims, of any suit or proceeding, commenced after the passage of the Revenue Act of 1921, for the recovery of any internal-revenue tax alleged to have been erroneously or illegally assessed or collected, or of any penalty claimed to have been collected without authority or any sum alleged to have been excessive or in any manner wrongfully collected, under the internal-revenue laws, even if the claim exceeds \$10,000, if the collector of internal-revenue by whom such tax, penalty, or sum was collected is dead at the time such suit or proceeding is commenced.”

#### Amendments to Revised Statutes.

Report of violations

SEC. 1311. That sections 3164, 3165, 3167, 3172, 3173, and 3176 of the Revised Statutes, as amended, are reenacted, without change, as follows:

“SEC. 3164. It shall be the duty of every collector of internal revenue having knowledge of any

willful violation of any law of the United States relating to the revenue, within thirty days after coming into possession of such knowledge, to file with the district attorney of the district in which any fine, penalty, or forfeiture may be incurred, a statement of all the facts and circumstances of the case within his knowledge, together with the names of the witnesses, setting forth the provisions of law believed to be so violated on which reliance may be had for condemnation or conviction.

“SEC. 3165. Every collector, deputy collector, internal-revenue agent, and internal-revenue officer assigned to duty under an internal-revenue agent, is authorized to administer oaths and to take evidence touching any part of the administration of the internal-revenue laws with which he is charged, or where such oaths and evidence are authorized by law or regulation authorized by law to be taken. Oaths and evidence

“SEC. 3167. It shall be unlawful for any collector, deputy collector, agent, clerk, or other officer or employee of the United States to divulge or to make known in any manner whatever not provided by law to any person the operations, style of work, or apparatus of any manufacturer or producer visited by him in the discharge of his official duties, or the amount or source of income, profits, losses, expenditures, or any particular thereof, set forth or disclosed in any income return, or to permit any income return or copy thereof or any book containing any abstract or particulars thereof to be seen or examined by any person except as provided by law; and it shall be unlawful for any person to print or publish in any manner whatever not provided by law any income return, or any part thereof or source of income, profits, losses, or expenditures appearing in any income return; and any offense against the foregoing provision shall be a misdemeanor and be punished by a fine not exceeding \$1,000 or by imprisonment not exceeding one year, Penalty for divulging information



or both, at the discretion of the court; and if the offender be an officer or employee of the United States he shall be dismissed from office or discharged from employment.

**Investigations**

"SEC. 3172. Every collector shall, from time to time, cause his deputies to proceed through every part of his district and inquire after and concerning all persons therein who are liable to pay any internal-revenue tax, and all persons owning or having the care and management of any objects liable to pay any tax, and to make a list of such persons and enumerate said objects.

**Returns, when  
required**

"SEC. 3173. It shall be the duty of any person, partnership, firm, association, or corporation, made liable to any duty, special tax, or other tax imposed by law, when not otherwise provided for, (1) in case of a special tax, on or before the thirty-first day of July in each year, and (2) in other cases before the day on which the taxes accrue, to make a list or return, verified by oath, to the collector or a deputy collector of the district where located, of the articles or objects, including the quantity of goods, wares, and merchandise, made or sold and charged with a tax, the several rates and aggregate amount, according to the forms and regulations to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, for which such person, partnership, firm, association, or corporation is liable: *Provided*, That if any person liable to pay any duty or tax, or owning, possessing, or having the care or management of property, goods, wares, and merchandise, article or objects liable to pay any duty, tax, or license, shall fail to make and exhibit a list or return required by law, but shall consent to disclose the particulars of any and all the property, goods, wares, and merchandise, articles, and objects liable to pay any duty or tax, or any business or occupation liable to pay any tax as aforesaid, then, and in that case, it

**Collector's return for  
consenting taxpayer**

shall be the duty of the collector or deputy collector to make such list or return, which, being distinctly read, consented to, and signed and verified by oath by the person so owning, possessing, or having the care and management as aforesaid, may be received as the list of such person: *Provided further*, That in case no annual list or return has been rendered by such person to the collector or deputy collector as required by law, and the person shall be absent from his or her residence or place of business at the time the collector or a deputy collector shall call for the annual list or return, it shall be the duty of such collector or deputy collector to leave at such place of residence or business, with some one of suitable age and discretion, if such be present, otherwise to deposit in the nearest post office, a note or memorandum addressed to such person, requiring him or her to render to such collector or deputy collector the list or return required by law within ten days from the date of such note or memorandum, verified by oath. And if any person, on being notified or required as aforesaid, shall refuse or neglect to render such list or return within the time required as aforesaid, or whenever any person who is required to deliver a monthly or other return of objects subject to tax fails to do so at the time required, or delivers any return which, in the opinion of the collector, is erroneous, false or fraudulent, or contains any undervaluation or understatement, or refuses to allow any regularly authorized Government officer to examine the books of such person, firm, or corporation, it shall be lawful for the collector to summon such person, or any other person having possession, custody, or care of books of account containing entries relating to the business of such person or any other person he may deem proper, to appear before him and produce such books at a time and place named in the summons, and to give testimony or answer interroga-

Notice of requirement  
of return

Examination of  
taxable persons

tories, under oath, respecting any objects or income liable to tax or the returns thereof. The collector may summon any person residing or found within the State or Territory in which his district lies; and when the person intended to be summoned does not reside and can not be found within such State or Territory, he may enter any collection district where such person may be found and there make the examination herein authorized. And to this end he may there exercise all the authority which he might lawfully exercise in the district for which he was commissioned: *Provided*, That 'person,' as used in this section, shall be construed to include any corporation, joint-stock company or association, or insurance company when such construction is necessary to carry out its provisions.

Collector's return  
for taxpayer

"SEC. 3176. If any person, corporation, company, or association fails to make and file a return or list at the time prescribed by law or by regulation made under authority of law, or makes, willfully or otherwise, a false or fraudulent return or list, the collector or deputy collector shall make the return or list from his own knowledge and from such information as he can obtain through testimony or otherwise. In any such case the Commissioner may, from his own knowledge and from such information as he can obtain through testimony or otherwise, make a return or amend any return made by a collector or deputy collector. Any return or list so made and subscribed by the Commissioner, or by a collector or deputy collector and approved by the Commissioner, shall be *prima facie* good and sufficient for all legal purposes.

Extension of time  
for filing return

"If the failure to file a return or list is due to sickness or absence, the collector may allow such further time, not exceeding thirty days, for making and filing the return or list as he deems proper.

Commissioner to  
assess tax

"The Commissioner of Internal Revenue shall determine and assess all taxes, other than stamp

taxes, as to which returns or lists are so made under the provisions of this section. In case of any failure to make and file a return or list within the time prescribed by law, or prescribed by the Commissioner of Internal Revenue or the collector in pursuance of law, the Commissioner of Internal Revenue shall add to the tax 25 per centum of its amount, except that when a return is filed after such time and it is shown that the failure to file it was due to a reasonable cause and not to willful neglect, no such addition shall be made to the tax. In case a false or fraudulent return or list is willfully made, the Commissioner of Internal Revenue shall add to the tax 50 per centum of its amount.

Penalty for delay  
in filing

Fraudulent returns

“The amount so added to any tax shall be collected at the same time and in the same manner and as a part of the tax unless the tax has been paid before the discovery of the neglect, falsity, or fraud, in which case the amount so added shall be collected in the same manner as the tax.”

Collection of penalties

#### Final Determinations and Assessments

SEC. 1312. That if after a determination and assessment in any case the taxpayer has without protest paid in whole any tax or penalty, or accepted any abatement, credit, or refund based on such determination and assessment, and an agreement is made in writing between the taxpayer and the Commissioner, with the approval of the Secretary, that such determination and assessment shall be final and conclusive, then (except upon a showing of fraud or malfeasance or misrepresentation of fact materially affecting the determination or assessment thus made) (1) the case shall not be reopened or the determination and assessment modified by any officer, employee, or agent of the United States, and (2) no suit, action, or proceeding to annul,

Agreed assessments  
not to be reopened



modify, or set aside such determination or assessment shall be entertained by any court of the United States.

#### Administrative Review.

Authority rests with  
Commissioner

SEC. 1313. That in the absence of fraud or mistake in mathematical calculation, the findings of facts in and the decision of the Commissioner upon (or in case the Secretary is authorized to approve the same, then after such approval) the merits of any claim presented under or authorized by the internal-revenue laws shall not be subject to review by any other administrative officer, employee, or agent of the United States.

#### Retroactive Regulations.

Commissioner's  
discretion

SEC. 1314. That in case a regulation or Treasury decision relating to the internal-revenue laws made by the Commissioner or the Secretary, or by the Commissioner with the approval of the Secretary, is reversed by a subsequent regulation or Treasury decision, and such reversal is not immediately occasioned or required by a decision of a court of competent jurisdiction, such subsequent regulation or Treasury decision may, in the discretion of the Commissioner, with the approval of the Secretary, be applied without retroactive effect.

#### Refunds.

SEC. 1315. That section 3220 of the Revised Statutes, as amended, is reenacted without change, as follows:

Illegal and unjust  
taxes and penalties

“SEC. 3220. The Commissioner of Internal Revenue, subject to regulations prescribed by the Secretary of the Treasury, is authorized to remit, refund, and pay back all taxes erroneously or illegally assessed or collected, all penalties collected without authority, and all taxes that appear to be unjustly assessed or excessive in amount, or in any

manner wrongfully collected; also to repay to any collector or deputy collector the full amount of such sums of money as may be recovered against him in any court, for any internal revenue taxes collected by him, with the cost and expenses of suit; also all damages and costs recovered against any assessor, assistant assessor, collector, deputy collector, agent, or inspector, in any suit brought against him by reason of anything done in the due performance of his official duty, and shall make report to Congress at the beginning of each regular session of Congress of all transactions under this section."

SEC. 1316. That section 3228 of the Revised Statutes is amended to read as follows:

"SEC. 3228. All claims for the refunding or crediting of any internal revenue tax alleged to have been erroneously or illegally assessed or collected, or of any penalty alleged to have been collected without authority, or of any sum alleged to have been excessive or in any manner wrongfully collected, must be presented to the Commissioner of Internal Revenue within four years next after payment of such tax, penalty, or sum."

Claims for refunds  
within four years

This section, except as modified by section 252, shall apply retroactively to claims for refund under the Revenue Act of 1916, the Revenue Act of 1917, and the Revenue Act of 1918.

Refunds under  
former acts

SEC. 1317. That the paragraph of section 3689 of the Revised Statutes, as amended, reading as follows: "Refunding taxes illegally collected (internal revenue): To refund and pay back duties erroneously or illegally assessed or collected under the internal revenue laws," is repealed from and after June 30, 1920; and the Secretary of the Treasury shall submit for the fiscal year 1921, and annually thereafter, an estimate of appropriations to refund and pay back duties or taxes erroneously or illegally assessed or collected under the internal-

Partial repeal of  
Section 3689,  
U. S. R. S.

Annual estimate of  
refunds

revenue laws, and to pay judgments, including interest and costs, rendered for taxes or penalties erroneously or illegally assessed or collected under the internal-revenue laws.

#### Limitations Upon Suits and Prosecutions.

SEC. 1318. That section 3226 of the Revised Statutes is amended to read as follows:

Claim for refund  
must precede suit

"SEC. 3226. No suit or proceeding shall be maintained in any court for the recovery of any internal-revenue tax alleged to have been erroneously or illegally assessed or collected, or of any penalty claimed to have been collected without authority, or of any sum alleged to have been excessive or in any manner wrongfully collected, until a claim for refund or credit has been duly filed with the Commissioner of Internal Revenue, according to the provisions of law in that regard, and the regulations of the Secretary of the Treasury established in pursuance thereof. No such suit or proceeding shall be begun before the expiration of six months from the date of filing such claim unless the Commissioner renders a decision thereon within that time, nor after the expiration of five years from the date of the payment of such tax, penalty, or sum."

Time limit on suits

Pending suits not  
affected

This section shall not affect any suit or proceeding instituted prior to the passage of this Act, but shall apply to all suits and proceedings instituted after the passage of this Act, whether or not barred by prior Acts of Congress.

Repeal of  
Section 3227,  
U. S. R. S.

SEC. 1319. That section 3227 of the Revised Statutes is hereby repealed but such repeal shall not affect any suit or proceeding instituted prior to the passage of this Act.

Suits within five  
years

SEC. 1320. That no suit or proceeding for the collection of any internal revenue tax shall be begun after the expiration of five years from the time such

tax was due, except in the case of fraud with intent to evade tax, or willful attempt in any manner to defeat or evade tax. This section shall not apply to suits or proceedings for the collection of taxes under section 250 of this Act, nor to suits or proceedings begun at the time of the passage of this Act.

SEC. 1321. (a) That the Act entitled "An Act to limit the time within which prosecutions may be instituted against persons charged with violating internal-revenue laws," approved July 5, 1884, is amended to read as follows:

Prosecutions within  
three years

"That no person shall be prosecuted, tried, or punished for any of the various offenses arising under the internal-revenue laws of the United States unless the indictment is found or the information instituted within three years next after the commission of the offense: *Provided*, That the time during which the person committing the offense is absent from the district wherein the same is committed shall not be taken as any part of the time limited by law for the commencement of such proceedings: *Provided further*, That the provisions of this Act shall not apply to offenses committed prior to its passage: *Provided further*, That where a complaint shall be instituted before a commissioner of the United States within the period above limited, the time shall be extended until the discharge of the grand jury at its next session within the district: *And provided further*, That this Act shall not apply to offenses committed by officers of the United States."

(b) Any prosecution or proceeding under an indictment found or information instituted prior to the passage of this Act shall not be affected in any manner by this amendment, but such prosecution or proceeding shall be subject to the limitations imposed by law prior to the passage of this Act.

Pending prosecutions  
not affected



**Assessments.**

Within four years

SEC. 1322. That all internal revenue taxes, except as provided in section 250 of this Act, shall, notwithstanding the provisions of section 3182 of the Revised Statutes or any other provision of law, be assessed within four years after such taxes became due, but in the case of fraud with intent to evade tax or willful attempt in any manner to defeat or evade tax, such tax may be assessed at any time.

**Fraudulent Returns.**

SEC. 1323. That section 3225 of the Revised Statutes of the United States, as amended, is re-enacted without change as follows:

Second assessments

“SEC. 3225. When a second assessment is made in case of any list, statement, or return, which in the opinion of the collector or deputy collector was false or fraudulent, or contained any understatement or undervaluation, such assessment shall not be remitted, nor shall taxes collected under such assessment be refunded, or paid back, or recovered by any suit, unless it is proved that such list, statement, or return was not willfully false or fraudulent and did not contain any willful understatement or undervaluation.”

**Interest on Refunds and Judgments.**

Date from which  
interest runs

SEC. 1324. (a) That upon the allowance of a claim for the refund of or credit for internal revenue taxes paid, interest shall be allowed and paid upon the total amount of such refund or credit at the rate of one-half of 1 per centum per month to the date of such allowance, as follows: (1) if such amount was paid under a specific protest setting forth in detail the basis of and reasons for such protest, from the time when such tax was paid, or (2) if such amount was not paid under protest but pursuant to an additional assessment, from the time such additional assessment was paid, or (3) if no

protest was made and the tax was not paid pursuant to an additional assessment, from six months after the date of filing of such claim for refund or credit. The term "additional assessment" as used in this section means a further assessment for a tax of the same character previously paid in part.

(b) Section 177 of the Judicial Code is amended to read as follows: Judicial code  
amended

"SEC. 177. No interest shall be allowed on any claim up to the time of the rendition of judgment by the Court of Claims, unless upon a contract expressly stipulating for the payment of interest, except that interest may be allowed in any judgment of any court rendered after the passage of the Revenue Act of 1921 against the United States for any internal-revenue tax erroneously or illegally assessed or collected, or for any penalty collected without authority or any sum which was excessive or in any manner wrongfully collected, under the internal-revenue laws."

**Payment of Taxes by Check or United States Securities.**

SEC. 1325. That collectors may receive, at par with an adjustment for accrued interest, notes or certificates of indebtedness issued by the United States and uncertified checks in payment of income, war-profits and excess-profits taxes and any other taxes payable other than by stamp, during such time and under such regulations as the Commissioner, with the approval of the Secretary, shall prescribe; but if a check so received is not paid by the bank on which it is drawn the person by whom such check has been tendered shall remain liable for the payment of the tax and for all legal penalties and additions the same as if such check had not been tendered. Specified securities  
and uncertified  
checks

**Frauds on Purchasers.**

SEC. 1326. That whoever in connection with the sale or lease, or offer for sale or lease, of any article,

Misrepresentation  
of tax addition  
to price

or for the purpose of making such sale or lease, makes any statement, written or oral, (1) intended or calculated to lead any person to believe that any part of the price at which such article is sold or leased, or offered for sale or lease, consists of a tax imposed under the authority of the United States, or (2) ascribing a particular part of such price to a tax imposed under the authority of the United States, knowing that such statement is false or that the tax is not so great as the portion of such price ascribed to such tax, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than \$1,000 or by imprisonment not exceeding one year, or both.

Penalty

#### Tax Simplification Board.

SEC. 1327. (a) That there is hereby established in the Department of the Treasury a board to be known as the "Tax Simplification Board" (hereinafter in this section called the "Board"), to be composed as follows:

Members

(1) Three members who shall represent the public, to be appointed by the President; and

(2) Three members who shall represent the Bureau of Internal Revenue and shall be officers or employees of the United States serving in such Bureau, to be appointed by the Secretary.

Vacancy

(b) Any vacancy in the Board shall be filled in the same manner as the original appointment. The members representing the public shall serve without compensation except reimbursement for traveling, subsistence, and other necessary expenses incurred in the performance of the duties vested in them by this section. The members representing the Bureau of Internal Revenue shall serve without compensation in addition to that received for their service in such Bureau.

Clerical assistance

(c) The Secretary shall furnish the Board with such clerical assistance, quarters and stationery,

furniture, office equipment, and other supplies as may be necessary for the performance of the duties vested in them by this section.

(d) It shall be the duty of the Board to investigate the procedure of and the forms used by the Bureau in the administration of the internal revenue laws, and to make recommendations in respect to the simplification thereof. The Board shall make a report to the Congress on or before the first Monday of December in each year. Duties

(e) The expenditures of the Board shall be paid upon vouchers approved by the Board and signed by the chairman thereof. For the expenditures of the Board for the fiscal year ending June 30, 1922, there is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$10,000. Expenditures

(f) The Board shall cease to exist on December 31, 1924. Expiration

#### Consolidation of Liberty Bond Tax Exemptions.

SEC. 1328. That the various Acts authorizing the issues of Liberty bonds are amended and supplemented as follows:

(a) On and after January 1, 1921, 4 per centum and  $4\frac{1}{4}$  per centum Liberty bonds shall be exempt from graduated additional income taxes, commonly known as surtaxes, and excess-profits and war-profits taxes, now or hereafter imposed by the United States upon the income or profits of individuals, partnerships, corporations, or associations, in respect to the interest on aggregate principal amounts thereof as follows: Effective date  
January 1, 1921

Until the expiration of two years after the date of the termination of the war between the United States and the German Government, as fixed by proclamation of the President,\* on \$125,000 aggregate \$125,000 for two years,  
\$50,000 for three  
years more

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\* This date was fixed as July 2, 1921, by proclamation issued November 14, 1921.



gate principal amount; and for three years more on \$50,000 aggregate principal amount.

Certain exemptions  
unaffected

(b) The exemptions provided in subdivision (a) shall be in addition to the exemptions provided in section 7 of the Second Liberty Bond Act, and in addition to the exemption provided in subdivision (3) of section 1 of the Supplement to the Second Liberty Bond Act in respect to bonds issued upon conversion of  $3\frac{1}{2}$  per centum bonds, but shall be in lieu of the exemptions provided and free from the conditions and limitations imposed in subdivisions (1) and (2) of section 1 of the Supplement to Second Liberty Bond Act and in section 2 of the Victory Liberty Loan Act.

**Deposit of United States Bonds or Notes in Lieu of Surety.**

Penal bond

SEC. 1329. That wherever by the laws of the United States or regulations made pursuant thereto, any person is required to furnish any recognition, stipulation, bond, guaranty, or undertaking, hereinafter called "penal bond," with surety or sureties, such person may, in lieu of such surety or sureties, deposit as security with the official having authority to approve such penal bond, United States Liberty bonds or other bonds or notes of the United States in a sum equal at their par value to the amount of such penal bond required to be furnished, together with an agreement authorizing such official to collect or sell such bonds or notes so deposited in case of any default in the performance of any of the conditions or stipulations of such penal bond. The acceptance of such United States bonds or notes in lieu of surety or sureties required by law shall have the same force and effect as individual or corporate sureties, or certified checks, bank drafts, post-office money orders, or cash, for the penalty or amount of such penal bond. The bonds or notes deposited hereunder, and such other United States bonds or notes as may be substituted

Deposit of  
government bonds

therefor from time to time as such security, may be deposited with the Treasurer of the United States, a Federal reserve bank, or other depository duly designated for that purpose by the Secretary, which shall issue receipt therefor, describing such bonds or notes so deposited. As soon as security for the performance of such penal bond is no longer necessary, such bonds or notes so deposited, shall be returned to the depositor: *Provided*, That in case a person or persons supplying a contractor with labor or material as provided by the Act of Congress, approved February 24, 1905 (33 Stat. 811), entitled "An Act to amend an Act approved August thirteenth, eighteen hundred and ninety-four, entitled 'An Act for the protection of persons furnishing materials and labor for the construction of public works,'" shall file with the obligee, at any time after a default in the performance of any contract subject to said Acts, the application and affidavit therein provided, the obligee shall not deliver to the obligor the deposited bonds or notes nor any surplus proceeds thereof until the expiration of the time limited by said Acts for the institution of suit by such person or persons, and, in case suit shall be instituted within such time, shall hold said bonds or notes or proceeds subject to the order of the court having jurisdiction thereof: *Provided further*, That nothing herein contained shall affect or impair the priority of the claim of the United States against the bonds or notes deposited or any right or remedy granted by said Acts or by this section to the United States for default upon any obligation of said penal bond: *Provided further*, That all laws inconsistent with this section are hereby so modified as to conform to the provisions hereof: *And provided further*, That nothing contained herein shall affect the authority of courts over the security, where such bonds are taken as security in judicial proceedings, or the

Depository

Return of deposit

Inconsistent statutes  
modified

## Regulations

authority of any administrative officer of the United States to receive United States bonds for security in cases authorized by existing laws. The Secretary may prescribe rules and regulations necessary and proper for carrying this section into effect.

**Lost Stamps for Tobacco, Cigars, and so forth.**

SEC. 1330. That section 3315 of the Revised Statutes, as amended, is re-enacted without change, as follows:

Restamping of  
packages

“SEC. 3315. The Commissioner of Internal Revenue may, under regulations prescribed by him with the approval of the Secretary of the Treasury, issue stamps for restamping packages of distilled spirits, tobacco, cigars, snuff, cigarettes, fermented liquors, and wines which have been duly stamped but from which the stamps have been lost or destroyed by unavoidable accident.”

**Consolidated Returns for Year 1917.**Corporations and  
partnerships

SEC. 1331. (a) That Title II of the Revenue Act of 1917 shall be construed to impose the taxes therein mentioned upon the basis of consolidated returns of net income and invested capital in the case of domestic corporations and domestic partnerships that were affiliated during the calendar year 1917.

## Affiliation defined

(b) For the purpose of this section a corporation or partnership was affiliated with one or more corporations or partnerships (1) when such corporation or partnership owned directly or controlled through closely affiliated interests or by a nominee or nominees all or substantially all the stock of the other or others, or (2) when substantially all the stock of two or more corporations or the business of two or more partnerships was owned by the same interests: *Provided*, That such corporations or partnerships were engaged in the same or a closely

related business, or one corporation or partnership bought from or sold to another corporation or partnership products or services at prices above or below the current market, thus effecting an artificial distribution of profits, or one corporation or partnership in any way so arranged its financial relationships with another corporation or partnership as to assign to it a disproportionate share of net income or invested capital. For the purposes of this section, public service corporations which (1) were operated independently (2) were not physically connected or merged and (3) did not receive special permission to make a consolidated return, shall not be construed to have been affiliated; but a railroad or other public utility which was owned by an industrial corporation and was operated as a plant facility or as an integral part of a group organization of affiliated corporations which were required to file a consolidated return, shall be construed to have been affiliated.

Affiliated public  
service corporations

(c) The provisions of this section are declaratory of the provisions of Title II of the Revenue Act of 1917.

Declaratory effect

#### Alternative Tax on Personal Service Corporations.

SEC. 1332. (a) That if either subdivision (e) of section 218 of the Revenue Act of 1918 or subdivision (d) of section 218 of this Act is by final adjudication declared invalid, there shall, in addition to all other taxes, be levied, collected, and paid on the net income (as defined in section 232) received during the calendar years 1918, 1919, 1920, and 1921, by every personal service corporation (as defined in section 200) included within the provisions of such subdivisions, a tax equal to the taxes imposed by Titles II and III of the Revenue Act of 1918 and, in the case of income received during the calendar year 1921, by Titles II and III of this Act.

Invalidation  
safeguarded



**New return**

(b) In such event every such personal service corporation shall, on or before the fifteenth day of the sixth month following the date of entry of decree upon such final adjudication, make a return of any income received during each of the calendar years 1918, 1919, 1920, and 1921 in the manner prescribed by the Revenue Act of 1918 (or in the manner prescribed by this Act, in the case of income received during the calendar year 1921). Such return shall be made and the net income shall be computed on the basis of the taxpayer's annual accounting period (fiscal year or calendar year, as the case may be) in the manner provided for other corporations under the Revenue Act of 1918 and this Act.

**Claims for refund**

(c) If either subdivision (e) of section 218 of the Revenue Act of 1918 or subdivision (d) of section 218 of this Act is so declared invalid, claims for credit or refund of taxes paid under both such sections shall be allowed, if made within the time provided in subdivision (f) of this section.

**Claims for minority  
ownership**

(d) In case the claims for credit or refund, filed within six months from such date of entry of decree, represent less than 30 per centum of the outstanding stock or shares in the corporation, the amount of taxes imposed by this section upon such corporation shall be reduced to that proportion thereof which the number of stock or shares owned by the shareholders or members making such claims bears to the total number of stock or shares outstanding.

**Back penalties  
waived**

(e) The tax imposed by this section shall be assessed, collected, and paid upon the same basis, in the same manner, and subject to the same provisions of law, including penalties, as the taxes imposed by sections 230 and 301 of the Revenue Act of 1918 (or by sections 230 and 301 of this Act, in the case of income received during the calendar year 1921), but no interest or penalties shall be

due or payable thereon for any period prior to the date upon which the return is by this section required to be made and the first installment paid.

The amount of tax paid by any shareholder or member of a personal service corporation pursuant to the provisions of subdivision (e) of section 218 of the Revenue Act of 1918 or subdivision (d) of section 218 of this Act shall be credited against the tax due from such corporation under this section upon the joint written application of such corporation and such shareholder or member or his representatives, heirs, or assigns, if such application is filed with the Commissioner within six months from such date of entry of decree.

Credit of shareholder's  
tax to corporation

(f) Notwithstanding any other provision of law, no claim for a credit or refund of taxes paid under subdivision (e) of section 218 of the Revenue Act of 1918 or subdivision (d) of section 218 of this Act, may be filed after the expiration of six months from such date of entry of decree: *Provided, however,* That a personal service corporation of which no shareholder or member has filed such claim within such period of six months, shall not be subject to the tax imposed by this section.

Claim for refund  
within six months

## TITLE XIV.—GENERAL PROVISIONS.\*

### Repeals.

Varying effective  
dates

SEC. 1400. (a) That the following parts of the Revenue Act of 1918 are repealed, to take effect (except as otherwise provided in this Act) on January 1, 1922, subject to the limitations provided in subdivision (b):

Title II (called "Income Tax") as of January 1, 1921;

Title III (called "War-Profits and Excess-Profits Tax") as of January 1, 1921;

Title IV (called "Estate Tax") on the passage of this Act;

Title V (called "Tax on Transportation and other Facilities, and on Insurance");

Sections 628, 629, and 630 of Title VI (being the taxes on soft drinks, ice cream, and similar articles);

Title VII (called "Tax on Cigars, Tobacco and Manufactures Thereof");

Title VIII (called "Tax on Admissions and Dues");

Title IX (called "Excise Taxes");

Title X (called "Special Taxes");

Title XI (called "Stamp Taxes");

Title XII (called "Tax on Employment of Child Labor") as of January 1, 1921; and

Sections 1314, 1315, 1316, 1317, 1319, and 1320 of Title XIII (being certain administrative provisions) on the passage of this Act.

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\* Title XIV of the Revenue Act of 1918 is not repealed by this Act.

(b) The parts of the Revenue Act of 1918 which are repealed by this Act shall (unless otherwise specifically provided in this Act) remain in force for the assessment and collection of all taxes which have accrued under the Revenue Act of 1918 at the time such parts cease to be in effect, and for the imposition and collection of all penalties or forfeitures which have accrued or may accrue in relation to any such taxes. In the case of any tax imposed by any part of the Revenue Act of 1918 repealed by this Act, if there is a tax imposed by this Act in lieu thereof, the provision imposing such tax shall remain in force until the corresponding tax under this Act takes effect under the provisions of this Act. The unexpended balance of any appropriation heretofore made and now available for the administration of any such part of the Revenue Act of 1918 shall be available for the administration of this Act or the corresponding provision thereof.

Accrued taxes  
under Revenue  
Act of 1918

#### **Increase in Note Authorization.**

SEC. 1401. That subdivision (a) of section 18 of the Second Liberty Bond Act, as amended, is amended by striking out the words and figures "for the purposes of this Act, and to meet public expenditures authorized by law, not exceeding in the aggregate \$7,000,000,000", and inserting in lieu thereof the words and figures "for the purposes of this Act, to provide for the purchase or redemption of any notes issued hereunder, and to meet public expenditures authorized by law, not exceeding in the aggregate \$7,500,000,000 at any one time outstanding."

Public debt refunding

#### **Increase in Treasury Savings Certificate Limit.**

SEC. 1402. That section 6 of the Second Liberty Bond Act, as amended, is amended by striking out in the next to the last sentence thereof the

Maximum for one  
holder



figures "\$1,000" and inserting in lieu thereof the figures "\$5,000."

**Saving Clause in Event of Unconstitutionality.**

Invalidity of any  
section

SEC. 1403. That if any provision of this Act, or the application thereof to any person or circumstances, is held invalid, the remainder of the Act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

**Effective Date of Act.**

Effective upon  
passage

SEC. 1404. That except as otherwise provided, this Act shall take effect upon its passage.

Approved, November 23, 1921, at 3.55 p. m.

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# **Appendix**

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## **INDIVIDUAL TAX TABLES**

**Computation Tables for Individual Income Taxes**

**Rate of Net Income from Investments after Payment of  
Federal Income Taxes**

## **CORPORATION TAX TABLES**

**Computation Tables for Taxes on Domestic  
Corporations**

**Rate of Net Income from Investments after Payment of  
Federal Income Tax**

**Equivalent Rates of Income from Taxable and Tax-exempt  
Investments under Federal Income Tax**

## **COMPARISON OF TAXES ON INCOME FROM CORPORATIONS AND PARTNERSHIPS**

## APPENDIX

### Individual Tax Tables

#### Computation Tables for Individual Income Taxes

These tables provide a short method of determining the combined normal taxes and surtaxes falling on net incomes of individuals. They are based on fully taxable income and do not take into consideration income from tax-exempt securities or from dividends which are subject only to surtaxes. The tables allow for the exemption from the normal tax which is accorded married men or heads of families without dependents. (The increase in the exemption on incomes not over \$5,000 explains item 2 in column F.)

*How to Use Tables.* Find in column A the largest sum less than your total net income and multiply the difference between that sum and your actual income by the rate shown on the same line in column F. Add the result to the sum given in column E. The resulting sum constitutes the total income tax.

The columns showing the amount and rate of surtax permit a ready computation of the total tax on income consisting in part of dividends or other partially exempt income.

TAX ON INCOME OF 1921					
A	B	C	D	E	F
Amount Net Income	Normal Tax	Surtax	Surtax Rate on Next Increment of Income	Combined Normal and Surtaxes	Combined Rate on Next Increment of Income
\$2,500	\$00	\$00	0%	\$00	4%
5,000	100	00	1	100	105
5,020	120.80	00.20	1	121	5
6,000	160	10	2	170	10
8,000	320	50	3	370	11
10,000	480	110	4	590	12
12,000	640	190	5	830	13
14,000	800	290	6	1,090	14
16,000	960	410	7	1,370	15
18,000	1,120	550	8	1,670	16
20,000	1,280	710	9	1,990	17
22,000	1,440	890	10	2,330	18
24,000	1,600	1,090	11	2,690	19
26,000	1,760	1,310	12	3,070	20
28,000	1,920	1,550	13	3,470	21
30,000	2,080	1,810	14	3,890	22
32,000	2,240	2,090	15	4,330	23
34,000	2,400	2,390	16	4,790	24
36,000	2,560	2,710	17	5,270	25
38,000	2,720	3,050	18	5,770	26
40,000	2,880	3,410	19	6,290	27
42,000	3,040	3,790	20	6,830	28
44,000	3,200	4,190	21	7,390	29
46,000	3,360	4,610	22	7,970	30
48,000	3,520	5,050	23	8,570	31
50,000	3,680	5,510	24	9,190	32
52,000	3,840	5,990	25	9,830	33
54,000	4,000	6,490	26	10,490	34
56,000	4,160	7,010	27	11,170	35
58,000	4,320	7,550	28	11,870	36
60,000	4,480	8,110	29	12,590	37
62,000	4,640	8,690	30	13,330	38
64,000	4,800	9,290	31	14,090	39
66,000	4,960	9,910	32	14,870	40
68,000	5,120	10,550	33	15,670	41
70,000	5,280	11,210	34	16,490	42
72,000	5,440	11,890	35	17,330	43
74,000	5,600	12,590	36	18,190	44
76,000	5,760	13,310	37	19,070	45
78,000	5,920	14,050	38	19,970	46
80,000	6,080	14,810	39	20,890	47
82,000	6,240	15,590	40	21,830	48
84,000	6,400	16,390	41	22,790	49
86,000	6,560	17,210	42	23,770	50
88,000	6,720	18,050	43	24,770	51
90,000	6,880	18,910	44	25,790	52
92,000	7,040	19,790	45	26,830	53
94,000	7,200	20,690	46	27,890	54
96,000	7,360	21,610	47	28,970	55
98,000	7,520	22,550	48	30,070	56
100,000	7,680	23,510	52	31,190	60
150,000	11,680	49,510	56	61,190	64
200,000	15,680	77,510	60	93,190	68
300,000	23,680	137,510	63	161,190	71
500,000	39,680	263,510	64	303,190	72
1,000,000	79,680	583,510	65	663,190	73



## TAX ON INCOME OF 1922 AND SUBSEQUENT YEARS

A	B	C	D	E	F
Amount Net Income	Normal Tax	Surtax	Surtax Rate on Next Increment of Income	Combined Normal and Surtaxes	Combined Rate on Next Increment of Income
\$2,500	\$00	\$00	0%	\$00	4%
5,000	100	00	0	100	104
5,020	120.80	00	0	120.80	4
6,000	160	00	1	160	9
10,000	480	40	2	520	10
12,000	640	80	3	720	11
14,000	800	140	4	940	12
16,000	960	220	5	1,180	13
18,000	1,120	320	6	1,440	14
20,000	1,280	440	8	1,720	16
22,000	1,440	600	9	2,040	17
24,000	1,600	780	10	2,380	18
26,000	1,760	980	11	2,740	19
28,000	1,920	1,200	12	3,120	20
30,000	2,080	1,440	13	3,520	21
32,000	2,240	1,700	15	3,940	23
36,000	2,560	2,300	16	4,860	24
38,000	2,720	2,620	17	5,340	25
40,000	2,880	2,960	18	5,840	26
42,000	3,040	3,320	19	6,360	27
44,000	3,200	3,700	20	6,900	28
46,000	3,360	4,100	21	7,460	29
48,000	3,520	4,520	22	8,040	30
50,000	3,680	4,960	23	8,640	31
52,000	3,840	5,420	24	9,260	32
54,000	4,000	5,900	25	9,900	33
56,000	4,160	6,400	26	10,560	34
58,000	4,320	6,920	27	11,240	35
60,000	4,480	7,460	28	11,940	36
62,000	4,640	8,020	29	12,660	37
64,000	4,800	8,600	30	13,400	38
66,000	4,960	9,200	31	14,160	39
68,000	5,120	9,820	32	14,940	40
70,000	5,280	10,460	33	15,740	41
72,000	5,440	11,120	34	16,560	42
74,000	5,600	11,800	35	17,400	43
76,000	5,760	12,500	36	18,260	44
78,000	5,920	13,220	37	19,140	45
80,000	6,080	13,960	38	20,040	46
82,000	6,240	14,720	39	20,960	47
84,000	6,400	15,500	40	21,900	48
86,000	6,560	16,300	41	22,860	49
88,000	6,720	17,120	42	23,840	50
90,000	6,880	17,960	43	24,840	51
92,000	7,040	18,820	44	25,860	52
94,000	7,200	19,700	45	26,900	53
96,000	7,360	20,600	46	27,960	54
98,000	7,520	21,520	47	29,040	55
100,000	7,680	22,460	48	30,140	56
150,000	11,680	46,460	49	58,140	57
200,000	15,680	70,960	50	86,640	58
500,000	39,680	220,960	50	260,640	58
1,000,000	79,680	470,960	50	550,640	58

## Rate of Net Income from Investments after Payment of Federal Income Taxes Based on Tax Rates Applicable to Income of 1922 and Subsequent Years.

*Method of Using Tables:* An individual with net income of \$50,000 (before deduction of personal exemption) seeks to determine the per cent. of net return after payment of Federal income taxes on the following investments offered at par: A—7% bond, fully taxable; B—6% bond, with "tax-free" covenant clause; C—4½% Victory Note, subject to surtax; D—Stock of a domestic corporation paying an 8% dividend, subject to surtax.

For CASE A: Reference should be made to Table III. Reading down the 7% column to the line opposite the income range \$48,000-\$50,000, it is seen that the net return is 4.90%. For CASE B: Refer to Table II. Proceeding as indicated above, the net return on a 6% tax-free covenant bond is seen to be 4.32%. For CASE C: Use Table I. Reading down the 4½% column, for an income of \$50,000 the net return is 3.71%. For CASE D: See Table I. An 8% dividend gives a net return of 6.24%.

The tables may also be used conversely. For instance, an investor with \$40,000 income wishes to know what rate a fully taxable security should return in order to afford the same net amount to him as a 4½% fully exempt security. Referring to Table III, in the horizontal line opposite the income class \$38,000-\$40,000 the 4.50% rate appears in the 6% column. Thus a fully taxable security should return 6% in order to be the equivalent of a 4½% fully tax-exempt security in the hands of a person whose income is around \$40,000.

**TABLE I. INCOME SUBJECT TO SURTAX ONLY  
(Dividends and Taxable Interest from United States Obligations)**

Income (before personal exemption)	Surtax rate applicable	Rate of net income from current interest and dividends at rates as follows									
		4.25%	4.50%	4.75%	5.00%	5.50%	6.00%	6.50%	7.00%	7.50%	8.00%
\$ 10,000	Over	4.17	4.41	4.66	4.90	5.39	5.88	6.37	6.86	7.35	7.84
12,000	14,000	4.12	4.37	4.61	4.85	5.34	5.82	6.31	6.79	7.28	7.76
14,000	16,000	4.08	4.32	4.56	4.80	5.28	5.76	6.24	6.72	7.20	7.68
16,000	18,000	4.04	4.28	4.51	4.75	5.23	5.70	6.18	6.65	7.13	7.60
20,000	22,000	3.91	4.14	4.37	4.60	5.06	5.52	5.98	6.44	6.90	7.36
24,000	26,000	3.83	4.05	4.28	4.50	4.95	5.40	5.85	6.30	6.75	7.20
28,000	30,000	3.74	3.96	4.18	4.40	4.84	5.28	5.72	6.16	6.60	7.04
38,000	40,000	3.53	3.74	3.94	4.15	4.57	4.98	5.40	5.81	6.23	6.64
48,000	50,000	3.32	3.51	3.71	3.90	4.29	4.68	5.07	5.46	5.85	6.24
58,000	60,000	3.10	3.29	3.47	3.65	4.02	4.38	4.75	5.11	5.48	5.84
68,000	70,000	2.89	3.06	3.23	3.40	3.74	4.08	4.42	4.76	5.10	5.44
78,000	80,000	2.68	2.84	2.99	3.15	3.47	3.78	4.10	4.41	4.73	5.04
88,000	90,000	2.47	2.61	2.76	2.90	3.19	3.48	3.77	4.06	4.35	4.64
98,000	100,000	2.25	2.39	2.52	2.65	2.92	3.18	3.45	3.71	3.98	4.24
100,000	150,000	2.21	2.34	2.47	2.60	2.86	3.12	3.38	3.64	3.90	4.16
150,000	200,000	2.17	2.30	2.42	2.55	2.81	3.06	3.32	3.57	3.83	4.08
200,000		2.13	2.25	2.38	2.50	2.75	3.00	3.25	3.50	3.75	4.00

TABLE II. INCOME FROM "TAX-FREE" COVENANT BONDS ON WHICH DEBTOR CORPORATION ASSUMES 2% TAX

Income (before personal exemption)	Over	Not over	Net tax rate applicable	Rate of net income from current interest at rates as follows									
				4.25%	4.50%	4.75%	5.00%	5.50%	6.00%	6.50%	7.00%	7.50%	8.00%
\$ 10,000		\$ 12,000	8%	3.91	4.14	4.37	4.60	5.06	5.52	5.98	6.44	6.90	7.36
12,000		14,000	9	3.87	4.10	4.32	4.55	5.01	5.46	5.92	6.37	6.83	7.29
14,000		16,000	10	3.83	4.05	4.28	4.50	4.95	5.40	5.85	6.30	6.75	7.20
16,000		18,000	11	3.78	4.01	4.23	4.45	4.90	5.34	5.79	6.23	6.68	7.12
20,000		22,000	14	3.66	3.87	4.09	4.30	4.73	5.16	5.59	6.02	6.45	6.88
24,000		26,000	16	3.57	3.78	3.99	4.20	4.62	5.04	5.46	5.88	6.30	6.72
28,000		30,000	18	3.49	3.69	3.90	4.10	4.51	4.92	5.33	5.74	6.15	6.56
38,000		40,000	23	3.27	3.47	3.66	3.85	4.24	4.62	5.01	5.39	5.78	6.16
48,000		50,000	28	3.06	3.24	3.42	3.60	3.96	4.32	4.68	5.04	5.40	5.76
58,000		60,000	33	2.85	3.02	3.18	3.35	3.69	4.02	4.36	4.69	5.03	5.36
68,000		70,000	38	2.64	2.79	2.95	3.10	3.41	3.72	4.03	4.34	4.65	4.96
78,000		80,000	43	2.42	2.57	2.71	2.85	3.14	3.42	3.71	3.99	4.28	4.56
88,000		90,000	48	2.21	2.34	2.47	2.60	2.86	3.12	3.38	3.64	3.90	4.16
98,000		100,000	53	2.00	2.12	2.23	2.35	2.59	2.82	3.06	3.29	3.53	3.76
100,000		150,000	54	1.96	2.07	2.19	2.30	2.53	2.76	2.99	3.22	3.45	3.68
150,000		200,000	55	1.91	2.03	2.14	2.25	2.48	2.70	2.93	3.15	3.38	3.60
200,000		200,000	56	1.87	1.98	2.09	2.20	2.42	2.64	2.86	3.08	3.30	3.52

TABLE III. INCOME SUBJECT TO FULL NORMAL AND SURTAX RATES

Income (before personal exemption)	Over	Not over	Combined tax rate applicable	Rate of net income from current interest at rates as follows									
				4.25%	4.50%	4.75%	5.00%	5.50%	6.00%	6.50%	7.00%	7.50%	8.00%
\$ 10,000		\$ 12,000	10%	3.83	4.05	4.28	4.50	4.95	5.40	5.85	6.30	6.75	7.20
12,000		14,000	11	3.78	4.01	4.23	4.45	4.90	5.34	5.79	6.23	6.68	7.12
14,000		16,000	12	3.74	3.96	4.18	4.40	4.84	5.28	5.72	6.16	6.60	7.04
16,000		18,000	13	3.70	3.92	4.13	4.35	4.79	5.22	5.66	6.09	6.53	6.96
20,000		22,000	16	3.57	3.78	3.99	4.20	4.62	5.04	5.46	5.88	6.30	6.72
24,000		26,000	18	3.49	3.69	3.90	4.10	4.51	4.92	5.33	5.74	6.15	6.56
28,000		30,000	20	3.40	3.60	3.80	4.00	4.40	4.80	5.20	5.60	6.00	6.40
38,000		40,000	25	3.19	3.38	3.56	3.75	4.13	4.50	4.88	5.25	5.63	6.00
48,000		50,000	30	2.98	3.15	3.33	3.50	3.85	4.20	4.55	4.90	5.25	5.60
58,000		60,000	35	2.76	2.93	3.09	3.25	3.58	3.90	4.23	4.55	4.88	5.20
68,000		70,000	40	2.55	2.70	2.85	3.00	3.30	3.60	3.90	4.20	4.50	4.80
78,000		80,000	45	2.34	2.48	2.61	2.75	3.03	3.30	3.58	3.85	4.13	4.40
88,000		90,000	50	2.13	2.25	2.38	2.50	2.75	3.00	3.25	3.50	3.75	4.00
98,000		100,000	55	1.91	2.03	2.14	2.25	2.48	2.70	2.93	3.15	3.38	3.60
100,000		150,000	56	1.87	1.98	2.09	2.20	2.42	2.64	2.86	3.08	3.30	3.52
150,000		200,000	57	1.83	1.94	2.04	2.15	2.37	2.58	2.80	3.01	3.23	3.44
200,000		200,000	58	1.79	1.89	2.00	2.10	2.31	2.52	2.73	2.94	3.15	3.36

# Corporation Tax Tables

## Computation Tables for Taxes on Domestic Corporations

### CORPORATION TAXES: 1921

#### Case 1

Invested capital.....	\$35,000,000	
Net income, including taxable interest on Government obligations.....	6,800,000	
EXCESS-PROFITS TAX		
<i>First Bracket</i>		
Income not over 20% of invested capital....	6,800,000	
Deduct excess-profits credit:		
Specific exemption.....	\$3,000	
8% of invested capital.....	2,800,000	
	<hr/>	
Remainder.....	\$3,997,000	
Tax at 20%.....		\$799,400
<i>Second Bracket</i>		
Income over 20% of invested capital.....	000	
Tax at 40%.....		000
		<hr/>
Total excess-profits tax.....		\$799,400

#### CORPORATION INCOME TAX

Net income.....	\$6,800,000	
Deduct interest on government obligations....	66,300	
	<hr/>	
Income subject to income tax.....	\$6,733,700	
Deduct credits:		
Specific exemption.....	\$000	
Excess-profits tax.....	799,400	
	<hr/>	
Remainder.....	\$5,934,300	
Tax at 10%.....		\$593,430
		<hr/>
Total taxes on corporation income.....		\$1,392,830

#### Case 2

Invested capital.....	\$40,000	
Net income.....	22,000	
EXCESS-PROFITS TAX		
<i>First Bracket</i>		
Income not over 20% of invested capital....	8,000	
Deduct excess-profits credit:		
Specific exemption.....	\$3,000	
8% of invested capital.....	3,200	
	<hr/>	
Remainder.....	\$1,800	
Tax at 20%.....		\$360
<i>Second Bracket</i>		
Income over 20% of invested capital.....	14,000	
Tax at 40%.....		5,600
		<hr/>
Total excess-profits tax under Section 301 (a)		\$5,960



## LIMITATION ON AMOUNT OF TAX

Section 302 provides that the excess-profits tax under Section 301 (a) shall in no case be more than 20% of net income in excess of \$3,000, and not in excess of \$20,000 plus 40% of the net income in excess of 20%.

Income not over \$20,000.....	\$20,000	
Deduct specific amount.....	3,000	
Remainder.....	\$17,000	
Tax at 20%.....		\$3,400
Income over \$20,000.....	2,000	
Tax at 40%.....		800
Total excess-profits tax as limited.....		\$4,200

## CORPORATION INCOME TAX

Net income.....	\$22,000	
Deduct credits:		
Specific exemption.....	\$2,000	
Excess-profits tax.....	4,200	
Remainder.....	\$15,800	
Tax at 10%.....		1,580
Total tax on corporation income.....		\$5,780

## CORPORATION TAXES: 1922

## Case 3

Net income, including taxable interest on Government obligations.....	\$6,800,000	
Deduct credits:		
Interest on Government obligations.....	\$66,300	
Specific exemption.....	000	
Remainder.....	\$6,733,700	
Tax at 12½%.....		\$841,712.50

## Case 4

Net income.....	\$22,000	
Deduct credits:		
Specific exemption.....	2,000	
Remainder.....	\$20,000	
Tax at 12½%.....		2,500.00

## Rate of Net Income from Investments after Payment of Federal Income Tax

Based on Tax Rate of  $12\frac{1}{2}\%$  Applicable to Income of 1922 and Subsequent Years

Rate of Current Interest on Taxable Investments	Rate of Net Income after Payment of Tax	Rate of Current Interest on Taxable Investments	Rate of Net Income after Payment of Tax
4.25%	3.72%	6.75%	5.91%
4.50	3.94	7.00	6.13
4.75	4.16	7.25	6.34
5.00	4.38	7.50	6.56
5.25	4.59	7.75	6.78
5.50	4.81	8.00	7.00
5.75	5.03	8.25	7.22
6.00	5.25	8.50	7.44
6.25	5.47	8.75	7.66
6.50	5.69	9.00	7.88

*Method of Using Table.* A taxable corporation seeks to determine the per cent. of net return after payment of the Federal income tax on an investment in a 6% bond offered at par. Finding the 6% line in the column headed "Rate of Current Interest on Taxable Investments," it is seen from the same line of the next column that the rate of net income to be derived is 5.25%.

## Equivalent Rates of Income from Taxable and Tax-Exempt Investments under Federal Income Tax

Based on Tax Rate of  $12\frac{1}{2}\%$  Applicable to Income of 1922 and Subsequent Years

Rate of Current Interest on Tax-exempt Investments	Equivalent Rate of Interest on Taxable Investments	Rate of Current Interest on Tax-exempt Investments	Equivalent Rate of Interest on Taxable Investments
3.25%	3.71%	4.75%	5.43%
3.50	4.00	5.00	5.71
3.75	4.29	5.25	6.00
4.00	4.57	5.50	6.29
4.25	4.86	5.75	6.57
4.50	5.14	6.00	6.86

*Method of Using Table.* This table is the converse of the one above, and shows at a glance what rate of return must be obtained from a fully taxable investment in order to afford the same net income as a tax-exempt security. For example, a corporation is offered United States Victory  $4\frac{3}{4}\%$  notes at par. Finding the 4.75% line in the column headed "Rate of Current Interest on Tax-exempt Investments," it is seen from the same line of the second column that the net return is as great as from a taxable investment yielding current interest at the rate of 5.43%.

## Comparison of Taxes on Income from Corporations and Partnerships

Partners are taxed on their share of partnership earnings whether distributed or not. Stockholders of corporations are taxable only on distributed earnings unless the Commissioner of Internal Revenue should certify that the accumulation of profits is unreasonable for the purposes of the business.

Section 229 provides that if any trade or business in which capital is a substantial income-producing factor becomes incorporated within four months after the passage of the Revenue Act (November 23, 1921), its net income for the calendar year 1921 may at the option of the owners be taxed as corporation income, provided such income was not less than 20 per cent. of its invested capital. The business represented by Case 5 (below) could not, therefore, avail itself of this privilege, but might gain by incorporating for 1922, as indicated in Case 7.

In the following comparison of taxes, it is assumed that the corporation's entire net income remaining after the payment of taxes is distributed and therefore subject to surtaxes in the hands of the shareholders. It is further assumed that the business is owned equally by four shareholders or partners, whose sole income is derived from the business. The capital stock tax on corporations is not taken into consideration.

### TAXES ON INCOME OF 1921

#### Case 5

(Invested capital and income as in Case 1)

#### TAXES ON INCOME FROM CORPORATION

Invested capital.....	\$35,000,000.00
Net income, including taxable interest on	
Government obligations.....	6,800,000.00
Total taxes on corporation income (Case 1).....	1,392,830.00
Net income after payment of taxes.....	5,407,170.00
Share of each of four stockholders, if distributed.....	1,351,792.50
Individual surtaxes on \$1,351,792.50.....	812,175.13
Aggregate surtaxes on four stockholders, if all	
earnings are distributed.....	3,248,700.52
Add income and profits taxes on corporation.....	1,392,830.00
Aggregate taxes on income from corporation.....	\$4,641,530.52
Ratio of aggregate tax to corporation's net income	
if all earnings are distributed.....	68.26%
Ratio of aggregate tax to corporation's net income	
if no earnings are distributed.....	20.48%

## TAXES ON INCOME FROM PARTNERSHIP

Net income.....	\$6,800,000.00.
Interest from Government obligations included in net income.....	66,300.00
Share of each of four partners subject to surtax.....	1,700,000.00
Less share of each partner in interest from Government obligations.....	16,575.00
Share of each of four partners subject to normal tax.....	\$1,683,425.00
Normal tax on each partner (\$2,000 exempt).....	\$134,354.00
Surtax on each partner.....	1,038,510.00
Total tax on each partner.....	\$1,172,864.00
Aggregate tax on four partners.....	4,691,456.00
Ratio of aggregate tax to net income from partnership.....	68.99%

## Case 6

(Invested capital and income as in Case 2)

## TAXES ON INCOME FROM CORPORATION

Net income.....	\$22,000.00
Total taxes on corporation income (Case 2).....	5,780.00
Net income after payment of taxes.....	\$16,220.00
Share of each of four stockholders, if distributed.....	4,055.00
Individual surtaxes on \$4,055.....	000.00
Aggregate taxes on income from corporation.....	5,780.00
Ratio of aggregate tax to corporation's net income.....	26.27%

## TAXES ON INCOME FROM PARTNERSHIP

Net income.....	\$22,000.00
Share of each of four partners.....	5,500.00
Total income tax on \$5,500 (\$2,000 exempt).....	145.00
Aggregate tax on four partners.....	580.00
Ratio of aggregate tax to income from partnership.....	2.64%



## TAXES ON INCOME OF 1922 AND SUBSEQUENT YEARS

## Case 7

(Income and deductions as in Case 3)

## TAXES ON INCOME FROM CORPORATION

Net income.....	\$6,800,000.00
Total taxes on corporation.....	841,712.50
Net income after payment of taxes.....	\$5,958,287.50
Share of each of four stockholders, if distributed .....	1,489,571.88
Individual surtaxes on \$1,489,571.88.....	715,745.94
Aggregate surtaxes on four stockholders, if all earnings are distributed .....	2,862,983.76
Add income tax on corporation.....	841,712.50
Aggregate taxes on income from corporation.....	\$3,704,696.26
Ratio of aggregate tax to corporation's net income, if all earnings are distributed.....	54.48%
Ratio of aggregate tax to corporation's net income, if earnings are not distributed.....	12.38%

## TAXES ON INCOME FROM PARTNERSHIP

Net income.....	\$6,800,000.00
Interest from Government obligations included in net income.....	66,300.00
Share of each of four partners subject to surtax.....	1,700,000.00
Less share of each partner in interest from Government obligations.....	16,575.00
Share of each of four partners subject to normal tax.....	\$1,683,425.00
Normal tax on each partner (\$2,000 exempt).....	134,354.00
Surtax on each partner.....	820,960.00
Total tax on each partner.....	\$955,314.00
Aggregate tax on four partners.....	3,821,256.00
Ratio of aggregate tax to net income from partnership.....	56.19%

## Case 8

(Income and deductions as in Case 4)

## TAXES ON INCOME FROM CORPORATION

Net income.....	\$22,000.00
Total taxes on corporation.....	2,500.00
Net income after payment of taxes.....	\$19,500.00
Share of each of four stockholders, if distributed .....	4,875.00
Individual surtaxes on \$4,875.....	000.00
Aggregate taxes on income from corporation.....	2,500.00
Ratio of aggregate tax to corporation's net income.....	11.36%

## TAXES ON INCOME FROM PARTNERSHIP

Net income.....	\$22,000.00
Share of each of four partners.....	5,500.00
Total income tax on \$5,500 (\$2,000 exempt).....	140.00
Aggregate tax on four partners.....	560.00
Ratio of aggregate tax to net income from partnership.....	2.55%

## INDEX

	PAGE
Accessories, automobile, tax on sale of.....	138
Accident insurance companies, deductions from gross income.....	63
Accounting period and methods.....	25
Accounting period, change in.....	26
Admissible assets defined.....	99
Admissions tax:	
Cabaret tickets.....	135
Collection of.....	137
Definition of "admission".....	136
Exemptions from.....	135
Penalties.....	136
Roof-garden tickets.....	135
Season tickets.....	134
Theater tickets.....	134
Tickets, information on.....	136
Administrative laws made applicable.....	174
Administrative review, by Commissioner only.....	184
Affiliated corporations.....	71
Agricultural fairs, exemption from admissions tax.....	136
Agricultural organizations, exemption from income tax.....	56
Alcohol, production of absolute.....	123
Aliens:	
Credit for foreign taxes.....	49
Estate tax in case of nonresidents.....	111
Income tax in case of nonresidents. <i>See</i> Income tax	
Ammunition, tax on sale of.....	138
Amortization of war facilities. <i>See</i> Income tax	
Art objects, tax on sale of.....	140
Artificial mineral waters.....	124
Assessment:	
Income tax. <i>See</i> Income tax	
Second, where return is false.....	188
Within four years.....	188
Automobiles:	
Tax on persons renting or operating for hire.....	149
Tax on sale of.....	138
Bad Debts. <i>See</i> Income tax	
Bank deposits:	
Interest. <i>See</i> Income tax	
Of nonresident decedents, estate tax.....	113
Bequests:	
Charitable, etc., deduction for estate tax purposes.....	111, 112
Income tax on. <i>See</i> Income tax	
Beverages and constituent parts, tax on.....	123
Payment.....	125
Penalties.....	126
Billiard rooms, special tax on proprietors.....	148
Boards of trade, exemption from income tax.....	57
Boats, tax on use of.....	151
Boats and canoes, tax on sale of.....	139

	PAGE
Bonds:	
Dealers in leaf tobacco.....	131
Of governments, exemption from stamp tax.....	159
Of indebtedness, stamp taxes on.....	163
Of United States, deposits of, in lieu of surety bond.....	192
Borrowed capital defined.....	99
Bowling alleys, special tax on proprietors.....	148
Brewers, special tax on.....	149
Brokers:	
Returns as to customers' transactions.....	89
Special tax on.....	146
Building and loan associations:	
Exemption from income tax.....	56
Exemption of income from.....	29
Exemption of securities from stamp tax.....	159
Business expenses. <i>See</i> Income tax	
Business insurance, premiums not deductible.....	35
Cabarets, tax on admission to.....	135
Cameras, tax on sale of.....	138
Candy, tax on sale of.....	138
Capital assets defined.....	17
Capital deductions defined.....	17
Capital gain, method of taxing.....	18
Capital loss defined.....	17
Capital stock:	
Stamp tax on issue.....	163
Stamp tax on sales and transfers.....	164
Tax.....	145
Carbonated beverages.....	124
Carbonic acid gas, tax on sale of.....	125
Carpets and rugs, tax on sale of.....	141
Cemetery companies, exemption from income tax.....	56
Cereal beverages.....	124
Chambers of commerce, exemption from income tax.....	57
Charitable bequests, deduction for estate tax.....	111, 112
Charitable organizations:	
Admissions tax, exemption.....	135
Exemption from income tax.....	57
Exemption from income tax of gifts to. <i>See</i> Income tax	
Checks not payable on demand, stamp tax on.....	167
Chewing tobacco.....	128
Child labor, tax on employment of.....	170
Cigar and cigarette manufacturers, tax on.....	150
Cigarettes:	
Manufacturer, bond of.....	130
Manufacturer, records of.....	130
Packages.....	128
Paper.....	130
Tax on.....	127
Cigars, tax on.....	127
Circus, special tax on proprietors of.....	147
Civic leagues, exemption from income tax.....	57
Clubs:	
Exemption from income tax.....	57
Tax on dues and fees.....	136
Coca:	
Registration of dealers in.....	152
Tax on.....	154
Tax on dealers, etc.....	153

	PAGE
Collection of tax.....	174
Collector defined.....	6
Collector of Internal Revenue:	
Investigation by.....	180
To report violations to district attorney.....	178
Commissioner defined.....	6
Compulsory conversion of property. <i>See</i> Income tax	
Concert halls, special tax on.....	147
Consolidated returns.....	70
Contributions, income tax on. <i>See</i> Income tax	
Conveyances, stamp tax on.....	167
Cooperative selling agencies, exemption from income tax.....	57
Corporation defined.....	5
Corporations:	
Affiliated.....	71
Consolidated returns.....	194
Income tax. <i>See</i> Income tax.	
Returns for income tax. <i>See</i> Income tax: Returns	
Credits, in computing income tax. <i>See</i> Income tax	
Credits and refunds, overpayments and overcollections by sellers, etc.....	176
Customhouse entry, stamp tax on.....	167
Customs warehouse withdrawal entry, stamp tax on.....	168
Dealer defined.....	144
Dealers in leaf tobacco:	
Farmer or grower excluded.....	133
Inventories.....	132
Number.....	131
Sales by.....	133
Deductions in computing net income. <i>See</i> Income tax	
Deeds, stamp tax on.....	167
Definitions:	
Admissible assets.....	99
Admissions.....	136
Borrowed capital.....	99
Broker.....	146
Capital assets.....	17
Capital deductions.....	17
Capital gain.....	17
Capital loss.....	17
Collector.....	6
Commissioner.....	6
Corporation.....	5
Dividend.....	8
Domestic.....	5
Executor.....	106
Fiduciary.....	7
Fiscal year.....	7
Foreign.....	5
Government contract.....	6
Gross income.....	26
Inadmissible assets.....	99
Intangible property.....	98
Invested capital.....	99
Life insurance company.....	72
Military or naval forces.....	6
Net estate.....	106
Net income, ordinary.....	17
Net income of individuals.....	25



Definitions—continued	PAGE
Paid, paid or accrued.....	7
Person.....	5, 175
Personal service corporation.....	7
Produced.....	4
Sale.....	41
Secretary.....	5
Tangible property.....	99
Taxable year.....	7
Taxpayer.....	6
Theater.....	147
United States.....	5
Withholding agent.....	7
Depletion of natural resources. <i>See</i> Income tax: Mines; Oil wells	
Depreciation for purposes of income tax. <i>See</i> Income tax	
Distiller, special tax on.....	149
Distribution. <i>See</i> Income tax: Dividends	
Dividends. <i>See</i> Income tax	
Domestic defined.....	5
Dower, estate tax.....	108
Drafts, stamp tax on.....	167
Drinks.....	124
Drugs, narcotic:	
Registration of dealers in.....	152
Seizures and disposition of.....	158
Tax on dealers in.....	154
Dues and fees:	
Collection of tax on.....	137
Exemptions from tax on.....	137
Taxes on.....	136
Educational bequests, estate tax, deduction.....	111, 112
Educational corporations, exemption from income tax.....	57
Educational organizations:	
Admissions tax, exemption.....	135
Income taxes, deduction of gifts.....	33
Effective date of Act.....	200
Estate tax:	
Additional payments.....	115
Assessment.....	115
Bank deposits, nonresident aliens.....	113
Charitable bequests, deduction.....	111, 112
China, decedent dying in.....	119
Contemplation of death, transfers in.....	108, 118
Deductions allowed nonresidents.....	111
Deductions allowed residents.....	110
Dower interests.....	108
Educational bequests, etc., deduction.....	111, 112
Executor discharged from liability.....	116
Executor's notice.....	114
Exemption.....	111
Gross estate, determination of value of.....	108, 110
Gross estate, what included.....	108
Insurance.....	110, 113
Insurance, nonresident alien.....	113
Joint property.....	109
Lien for unpaid tax.....	116, 118
Missionaries, American.....	113
Net estate, determination of value of.....	110
Nonresident alien, net estate of.....	111

	PAGE
Estate tax—continued	
Payment:	
By other than executor.....	117
Enforcement of.....	116
Interest penalty.....	115
Penalty for tardy payment.....	116
Time of.....	115
Property taxed within five years.....	110, 112
Rates of tax.....	106
Receipts.....	116
Reimbursement of tax.....	117
Returns.....	114
Failure to file.....	119
False or fraudulent, penalty.....	118
For nonresident alien.....	113
Transfers in contemplation of death.....	108, 118
War service, death because of.....	108
Estates and trusts, income tax. <i>See also</i> Income tax.....	43
Evasion of surtaxes by incorporation.....	46
Examination:	
Books and witnesses.....	177, 181
Unnecessary.....	177
Excess-profits tax	
Admissible assets.....	99
Application of credit.....	96
Borrowed capital.....	99, 101
Capital, indeterminate.....	101
Computation of, fiscal year corporations.....	104
Credit allowed.....	98
Credit in computing corporation net income.....	66
Effective date.....	105
Exemptions from.....	97
Fiscal year corporations.....	104
Foreign corporations.....	101
Gains from sale of mines or wells.....	105
Gold mining.....	98
Government contracts.....	95
Inadmissible assets.....	99, 101
Income, partly from personal service.....	97
Income subject to, how determined.....	98
Intangible property.....	98, 100
Invested capital.....	98
Limitation of tax.....	96
Mines and wells, gains from sale.....	105
Net income, how determined.....	98
Non-par stock, valuation of.....	99
Personal service, partly.....	97
Rates.....	95
Reorganizations.....	103
Representative corporations, comparison with.....	101
Returns.....	104
Special cases.....	101, 102
Surplus and undivided profits.....	100
Tangible property.....	99
Exchange of property, basis of determining gain or loss on.....	11
Excise taxes.....	138
Collection of.....	140, 142
Penalties.....	141, 142
Returns.....	140, 142, 144
Executor defined.....	106

	PAGE
Exempt income to nonresident aliens and certain citizens.....	38
Exempt securities, income tax.....	27
Exemptions:	
From tax on proprietors.....	148
From tax on vessels and boats.....	152
Income exempt from tax.....	27
Liberty bond interest.....	191
Exhibitions, special tax on proprietors.....	148
Exports, articles sold or leased for export exempted.....	176
Extracts.....	124
Fair market price:	
Child labor tax based on.....	171
Excise taxes based on.....	139
Fans, tax on sale of.....	141
Farm loan associations, exemption from income tax.....	58
Farmers' insurance companies, exemption from income tax.....	57
Federal Farm Loan bonds, interest exempt from income tax.....	27
Federal land banks, exemption from income tax.....	58
Fiduciaries, income tax. <i>See</i> Income tax	
Fiduciary defined.....	7
Final determination of tax.....	183
Firearms, tax on sale of.....	138
Fiscal year defined.....	7
Fiscal years, computation of income tax.....	15
Foreign defined.....	5
Foreign items, collection of.....	92
Foreign taxes, credit for. <i>See</i> Income tax: Credits	
Fountain sirups.....	124
Fraternal beneficiary orders, exemption from income tax.....	56
Fraud on purchaser, as to tax added to price.....	189
Fruit juice.....	124
Gain or loss, basis for determining. <i>See</i> Income tax	
Gas wells:	
Excess-profits tax on gains from sale.....	105
<i>See</i> Income tax: Oil wells	
Gifts. <i>See</i> Income tax	
Glasses, opera and other, tax on sale of.....	142
Gold mining, excess-profits tax.....	98
Government contract defined.....	6
Grape juice.....	124
Gross income. <i>See</i> Income tax	
Handbags, tax on sale of.....	141
Harrison Narcotic Act, amended.....	152, 156
Health insurance companies, deductions from gross income.....	63
Holders, cigar and cigarette, tax on sale of.....	139
Holding companies, exempt from income tax, when.....	58
Hunting and riding habits, tax on sale of.....	139
Inadmissible assets defined.....	99
Income tax:	
Accounting period, change in.....	26
Accounting period and methods.....	25
Aliens:	
Certificate of compliance.....	86
Credit for foreign taxes.....	49
Nonresidents. <i>See below, this heading:</i> Nonresident aliens	

Income tax—continued	PAGE
Amortization of war facilities:	
Deduction from gross income of corporation.....	61
Deduction from gross income of individuals.....	32
Appeal against claim for deficiency.....	82
Assessment and collection:	
Departure from United States.....	84
Time limit for.....	81
Bad debts:	
Deduction from gross income of corporation.....	61
Deduction from gross income of individuals.....	31
Bank deposits:	
Interest, exemption to nonresident aliens.....	38
Tax not paid at source on interest paid to nonresident aliens.....	47
Beneficiary of estate, payment by.....	44
Bequests:	
Basis for determining gain or loss on property acquired by.....	11
Not taxed as income.....	27
Business expenses:	
Deduction from gross income of corporation.....	59
Deduction from gross income of individual.....	29
Capital gain, method of taxing.....	18
Capital investments not deductible.....	35
Charity:	
Gifts to, by estate or trust, deductible from income.....	43
Gifts to, exempt from income tax of individual.....	33
Compulsory conversion of property, deduction in case of replacement..	34, 64
Contributions, deduction from gross income of individual.....	33
Corporations:	
Classes exempt.....	56
Credit for foreign taxes.....	67
Credits in computing net income.....	65
Foreign corporations, gross income of.....	59, 65
Gross income.....	58
Net income.....	58
Personal service corporations.....	7, 42, 58
Rates.....	56
Returns. <i>See</i> Income tax: Returns	
Specific exemption.....	65
Used to evade surtax.....	46
Cost of restoring property not deductible.....	35
Credit for tax withheld.....	49
Credits:	
Beneficiary in computing net income.....	45
For foreign taxes in case of individuals.....	49
Nonresident aliens and certain citizens.....	41
Of corporation in computing net income.....	65
Of estate or trust in computing net income.....	44
Of individual in computing net income for normal tax.....	36
Partners.....	42
Deductions:	
In case of corporations.....	59
In case of individuals.....	29
Items not deductible.....	65
Losses, as affected by exempt distributions.....	8
Nonresident aliens.....	35
Departure of taxpayer from United States.....	84
Depletion, deductions by individuals.....	32
Depreciation:	
Deduction from gross income of corporation.....	61
Deduction from gross income of individuals.....	31



## Income tax—continued

PAGE

## Dividends:

Credit to individual.....	36
Deduction from gross income of corporation.....	61
Deemed to be from most recent earnings.....	8
Definition.....	8
During first 60 days of year.....	9
Earnings from which distribution is made.....	9
Exempt distributions.....	8
Liquidating.....	9
Return of payments of.....	89
Stock.....	9
Stock, when treated as taxable.....	9
When income to recipient.....	9
Duplication of payment of tax paid at source.....	49

## Estates and trusts:

Income tax on.....	43
Returns.....	52, 54
Exchange of property, basis of determining gain or loss.....	11
Exempt income.....	27
Exempt securities.....	27
Exemption for dependents.....	37
Exemptions, Liberty bond interest.....	191

## Fiduciaries:

Payment of tax for estate.....	44
Returns.....	43, 52, 54
Fiscal years.....	15

## Foreign corporations:

Deductions from gross income.....	65
Gross income.....	59

## Foreign countries:

Exemption of income of.....	27
License for collecting interest or dividends from.....	92
Taxes paid to, as credit on income tax.....	49, 67

## Gain or loss, basis for determining.....

Affected by liquidating dividends, etc.....	9
Corporate reorganizations.....	12
Exchange of property.....	11
Gifts, property acquired by.....	10
New property substituted for old.....	12
On stock receiving exempt distributions.....	8
Property acquired by bequest, etc.....	11

## Gifts:

Basis for determining gain or loss on property acquired by.....	10
Deductions from gross income of individual.....	33
Not taxed as income.....	27

## Gross income:

Corporations.....	58
Foreign corporations.....	59
Individuals.....	26
Nonresident aliens from sources within United States.....	37

## Income from possessions of United States.....

Income from possessions of United States.....	93
Income subject to tax.....	26
Incorporation of individual or partnership business.....	55

## Individuals:

Gross income.....	26
Incorporation of business.....	55
Rate of normal tax.....	19

## Information at source.....

89

Income tax—continued

	PAGE
Inheritance:	
Basis for determining gain or loss on property acquired by.....	11
Not taxed as income.....	27
Installment payments.....	79
Insurance, proceeds of accident and health, exempt.....	27
Insurance companies.....	72-79
Insurance companies, deductions from gross income.....	63
Interest:	
Deduction from gross income of corporation.....	59
Deduction from gross income of individual.....	30
Exempt.....	27
Inventories:	
Required.....	14
Use of, in determining gain or loss.....	10
Joint returns.....	51
Liberty bonds:	
Exemption of interest on money borrowed to purchase.....	30
Exemptions.....	191
Life insurance companies.....	72-76
Life insurance policies, premiums on, of employee, not deductible.....	35
Life insurance policies and returned premiums, exempt.....	27
Living expenses not deductible.....	35
Losses:	
Deduction from gross income of corporation.....	60
Deduction from gross income of individual.....	30
Net losses, deduction of.....	14
March 1, 1913:	
Value on, as basis for determining gain or loss.....	11
Mines:	
Deduction for depletion by corporations.....	62
Deduction for depletion by individuals.....	32
Sales of, limitation of surtax.....	25
Mutual insurance companies:	
Deductions from gross income.....	64
See Income tax: Insurance companies	
Mutual marine insurance companies:	
Deductions from gross income.....	64
Gross income.....	59
See Income tax: Insurance companies	
Net income:	
Of corporations.....	58
Of estates and trusts.....	43, 45
Of individuals.....	25
Of nonresident aliens.....	39
Of partnership.....	42
Net losses, deductions for.....	14
Nonresident aliens:	
Allocation of sources of income.....	40
Deductions from gross income.....	35, 39
Gross income from sources within United States.....	37
Gross income of.....	29
Income from sources without United States.....	39
Net income of.....	39
Payment at source.....	47
Personal exemption.....	37
Normal tax rate.....	19
Oil wells:	
Deduction for depletion by corporations.....	62
Deduction for depletion by individuals.....	32
Sale of, limitation of surtax.....	25

	PAGE
Income tax—continued	
Partnerships:	
Incorporation.....	55
Payment at source.....	47
Returns.....	52, 54
Tax on members.....	41
Payment:	
Adjustment of installments.....	80
Fraudulent returns.....	81, 82
Of deficiency.....	82, 84
Receipts for.....	86
Time.....	79
Penalties:	
Collection of foreign items without license.....	92
Divulging information.....	91
Failure to file return.....	88
Failure to pay tax.....	80, 88
Personal exemption.....	36
Personal service corporation:	
Definition.....	7
Tax if prior law declared invalid.....	195
Tax on members, 1921.....	42
Philippine Islands.....	93
Porto Rico.....	93
Possessions of United States:	
Citizens of.....	92
Income of citizens from.....	37, 93
Income of domestic corporations from.....	93
Public income exempt.....	28
Receipts for payment.....	86
Refunds.....	87
Returns:	
As public records.....	90
By agent.....	51
By withholding agent.....	48
Consolidated returns of corporations.....	70, 194
Corporation, time and place for filing.....	72
Corporations.....	69
Extension of time for filing.....	54
Fiduciary.....	52, 54
For period less than a year.....	53
Husband and wife.....	51
Individuals.....	51, 54
Inspection of.....	91
Partnership.....	52, 54
Publication of names of persons making.....	91
Understatement in.....	54
When accounting period changed.....	53
Ships, exemption of nonresidents' earnings from.....	28
Statistics as to.....	91
Surtax:	
Evasion by incorporation.....	46
Gains from sale of mines and wells.....	25
Rates for 1921.....	19
Rates for 1922 and succeeding years.....	22
Taxes paid:	
Deduction of, in case of corporation.....	59
Deduction of, in case of individuals.....	30
Foreign, as credit on income tax.....	49, 67
Time and place for filing returns.....	54

Income tax—continued	PAGE
Time of taking effect.....	94
Traveling expenses, deduction from gross income of individual.....	29
Trusts, profit-sharing.....	45
United States bonds:	
Interest as credit to corporation.....	65
Interest as credit to individual.....	36
Unknown owners, payment at source.....	47
Virgin Islands.....	92
War Finance Corporation bonds:	
Interest as credit to corporation.....	65
Interest as credit to individual.....	36
Withholding at source:	
Exemption from.....	48
Income of foreign corporations.....	66
Income of nonresident alien.....	47
Tax on corporations.....	66
Tax on individuals.....	47
Tax-free covenant bonds.....	47, 60, 67
Incorporation of individual or partnership business. <i>See</i> Income tax	
Individuals, income tax on. <i>See</i> Income tax	
Information at source. <i>See</i> Income tax	
Inheritances, tax on. <i>See</i> Estate tax; Income tax	
Initiation fees, tax on.....	137
Installment sales.....	14
Installments of income tax.....	79
Insurance:	
Income tax on insurance companies. <i>See</i> Income tax	
Proceeds of accident and health. <i>See</i> Income tax	
Stamp tax on foreign policy.....	168
Intangible property defined.....	98
Interest. <i>See</i> Income tax	
Interinsurers, deductions from gross income.....	64
Invalidity of part of act.....	200
Inventories:	
By dealers in leaf tobacco.....	132
<i>See</i> Income tax	
Invested capital defined.....	99
Irrigation companies, exemption of securities from stamp tax.....	159
Jewelry, tax on sale of.....	141
Judgment, interest allowed on.....	189
Jurisdiction of courts.....	177
Knives, tax on sale of.....	139
Labor organizations, exemption from income tax.....	56
Leased wires.....	121
Liberty bonds:	
Exemption from income tax.....	191
Exemption of interest from income tax.....	27
Life insurance companies, income tax. <i>See</i> Income tax	
Life insurance policies, income tax. <i>See</i> Income tax	
Lighting fixtures, tax on sale of.....	141
Liquor dealer, special tax on.....	149
Liveries, tax on sale of.....	139
Local mutual organizations, exemption from income tax.....	57
Lodges, exemption from income tax.....	56
Losses. <i>See</i> Income tax	



	PAGE
Manufacturers, tax on employment of child labor by.....	170
Membership fees, tax on.....	136
Messages, telegraph and telephone, tax on.....	121
Military or naval forces defined.....	6
Mineral waters.....	124
Mines:	
Excess-profits tax on gains from sale.....	105
<i>See</i> Income tax	
Motor boats, tax on use of.....	151
Motorcycles, tax on sales of.....	138
Municipal bonds, interest exempt from income tax.....	27
Museums, special tax on proprietors of.....	147
Mutual ditch or irrigation companies, exemption from income tax.....	57
Mutual insurance companies, income tax. <i>See</i> Income tax	
Mutual marine insurance companies, income tax. <i>See</i> Income tax	
Mutual savings banks, exemption from income tax.....	56
Mutual telephone companies, exemption from income tax.....	57
Narcotics:	
Registration of dealers in.....	152
Special tax on dealers, etc.....	153
Tax on.....	154
Neglect, willful.....	175
Net estate, defined.....	106
Net income:	
Defined.....	17
Partners.....	41
<i>See</i> Income tax	
Net losses as deduction under income tax.....	14
Non-par stock, valuation of, for excess-profits tax.....	99
Nonresident aliens. <i>See</i> Income tax	
Normal income tax. <i>See</i> Income tax	
Notes of the United States, authorization, increase in.....	199
Oaths, revenue officers may administer.....	179
Obsolescence. <i>See</i> Income tax: Depreciation	
Occupational taxes. <i>See</i> Special taxes	
Oil wells:	
Excess-profits tax on gains from sale.....	105
<i>See</i> Income tax	
Opera glasses, etc., tax on sale of.....	142
Opium:	
Registration of dealers, etc.....	153
Tax on dealers, etc.....	153, 154
"Paid," and "Paid or accrued" defined.....	7
Paintings, tax on sale of.....	140
Parsonage, rental value of, exempt from income tax.....	29
Partnerships:	
Income of fiscal years.....	16
Income tax.....	41
<i>See also</i> Income tax	
Pawnbrokers, special tax on.....	146
Payment of tax, fractional part of a cent.....	176
Payment of tax at source. <i>See</i> Income tax: Withholding at source	
Payments, by check or United States securities.....	189

## Penalties:

	PAGE
Delinquency in returns or in payment of taxes.....	174
Divulging information.....	179
Estate tax.....	116
Income tax. <i>See</i> Income tax	
Returns, failure to file on time.....	183
Soft drinks, failure to pay tax.....	126
Special taxes, failure to pay.....	152
Stamp tax violations.....	160
Violations of provisions relating to leaf tobacco, etc.....	133
Pensions, exemption from income tax.....	28
Person defined.....	5, 175
Personal exemption, income tax.....	36
Personal service corporation:	
Defined.....	7
<i>See</i> Income tax	
Philippine Islands, income tax.....	93
Photographic films, tax on sale of.....	138
Playing cards, stamp tax on.....	168
Porto Rico, income tax.....	93
Possessions of the United States, income tax. <i>See</i> Income tax	
Power of attorney, stamp tax on.....	168
Produce, sales of, on exchange, stamp tax.....	165
Producer, tax on sale by. <i>See</i> Beverages, etc.	
Producer defined.....	41
Profits, computation for child labor tax.....	170
Promissory notes, stamp tax on.....	167
Proprietors of amusement places, special taxes on.....	147
Prosecutions, time limit on.....	187
Proxy for voting, stamp tax on.....	168
Public utilities, when exempt from income tax.....	28
Reciprocal underwriters, deductions from gross income.....	64
Refunding public debt, note authorization.....	199
Refunds:	
Claim for, must precede suit.....	186
Erroneous or illegal taxes.....	184
Estimate of appropriations for.....	185
Income tax. <i>See</i> Income tax	
Interest allowed on.....	188
Overcollections by sellers, etc.....	176
Penalties collected without authority.....	184
Time for filing claims.....	185
Regulations:	
Commissioner's authority.....	176
Without retroactive effect.....	184
Religious corporations, exemption from income tax.....	57
Religious institutions, exemption for admissions tax.....	135
Reorganizations. <i>See</i> Income tax; Excess-profits tax	
Repeals, tax in lieu of former tax.....	198
Returns:	
Beverage tax.....	125
By collector for taxpayer.....	180, 182
Child labor tax.....	172
Collector to make, when.....	180, 182
Commissioner may require.....	177
Consolidated.....	70, 194
Dealers in narcotic drugs.....	156
Disclosure of contents, penalty.....	179

Returns—continued	PAGE
Estate tax.....	114
Excess-profits tax.....	104
Excise taxes.....	140
Extension of time for filing by collector.....	182
Failure to file on time, penalty.....	183
False or fraudulent.....	182
Fiduciary.....	43
Income tax. <i>See</i> Income tax	
Neglect to make.....	180
Notice of requirement.....	180
Soft drinks tax.....	125
Validation of 1917 consolidated return regulations.....	194
When required, generally.....	180
<b>Revised Statutes:</b>	
Section 3164.....	178
Section 3165.....	179
Section 3167.....	179
Section 3172.....	180
Section 3173.....	180
Section 3220.....	184
Section 3225.....	188
Section 3226.....	186
Section 3227, repealed.....	186
Section 3228.....	185
Section 3360.....	131
Section 3362.....	129
Riding academies, special tax on proprietors.....	148
Roof gardens, tax on admissions to.....	135
Sale defined.....	41
Sales taxes. <i>See</i> Excise taxes	
Saving clause.....	200
Sculpture, tax on sale of.....	140
Season tickets, tax on.....	134
Secretary defined.....	5
Shipowner's mutual associations, exemption from income tax.....	29
Ships, exemption of nonresidents' earnings from.....	28
Shooting-galleries, special tax on proprietors.....	148
Shows, special tax on proprietors.....	148
Shrinkage of terminable interest.....	35
Simplification, tax.....	190
Sirups.....	124
Slot machines, tax on sale of.....	139
Smoking tobacco.....	128
Snuff.....	128
Soft drinks:	
Certificate of registry.....	126
Penalties for violation of law.....	126
Returns for taxes.....	125
Tax on.....	124
Sources within United States.....	38
Sources without United States.....	39
Special taxes.....	145
Special taxes, penalties.....	152
Spirits, diverted to beverage uses, tax on.....	123
Sporting habits, tax on sale of.....	139

Stamp taxes:	PAGE
Cancellation of stamps, method of.....	161
Exemptions.....	159
Fraudulent misuse of stamps, penalty.....	160
Penalties.....	160, 165, 166, 169
Stamps, cost.....	194
Stamps, revenue:	
Distribution of, by Treasury agencies.....	162
Sale of, by postmasters.....	162
State bonds, interest exempt from income tax.....	27
Statute of Limitations, assessment of income tax.....	81
Steamship ticket, foreign, stamp tax on.....	168
Still drinks.....	124
Stock transfer tax.....	164
Suits, limitations upon.....	186
Surtax. <i>See</i> Income tax	
Table waters.....	124
Tangible property defined.....	99
Tax:	
Final determination and assessment of.....	183
Method of collecting.....	174
Payment of, by check or United States securities.....	189
Payment of, fractional part of cent.....	176
Tax administration, laws made applicable.....	174
Tax exempt securities, enumeration of.....	27
Tax simplification board.....	190
Taxable year, defined.....	7
Taxes accrued, credit for.....	49, 50
Taxes paid, credit for.....	49
Taxes paid, deduction and credit under income tax. <i>See</i> Income tax	
Tax-free covenant bond interest, withholding at source.....	47, 48
Taxpayer defined.....	6
Telegraph and telephone messages, tax.....	121
Cable.....	121
Leased wires.....	121
Paid by person served.....	122
Payment of.....	122
Penalties.....	122
Radio.....	121
Rates of tax.....	121
Refunds.....	122
Returns.....	122
Services to governments.....	121
Theaters:	
Definition.....	147
Special tax on proprietors of.....	147
Tickets, tax on.....	134
Tickets sold at advanced prices.....	134
Tickets, foreign steamship, stamp tax.....	168
Tobacco:	
Dealer's number.....	131
Manufacturers, tax on.....	150
Packages.....	129
Sales in bulk.....	130
Shipments of leaf.....	133
Tax on.....	127



	PAGE
Tobacco, dealers in leaf.....	131
Records of.....	132
Reports required.....	132
Transportation tax, refund of.....	122
Traveling bags, tax on sale of.....	141
Traveling expenses, deduction from gross income of individual.....	29
Treasury Savings Certificate limit.....	199
Trucks, tax on sale of.....	138
Trunks, tax on sale of.....	141
Trusts, income tax on.....	43
Unconstitutionality, in event of.....	200
Unfermented drinks.....	124
United States bonds:	
Deposits in lieu of surety bonds.....	192
Income tax on interest from.....	27
<i>See also</i> Liberty bonds	
United States defined.....	5
Validation of 1917 consolidated returns.....	194
Vendee to pay excise tax.....	142
Vendor to refund excise tax.....	143
Virgin Islands, income tax.....	92
Vocational rehabilitation, exemption of payments from income tax.....	28
War Finance Corporation bonds, interest exempt from income tax.....	27
War-profits tax. <i>See</i> Excess-profits tax	
War Risk Insurance, exemption of payments from income tax.....	28
Watches and clocks, tax on sale of.....	142
Weekly premium insurance companies, deductions from gross income.....	63
Withholding agent defined.....	7
Withholding at source. <i>See</i> Income tax	
Yachts, tax on use of.....	151

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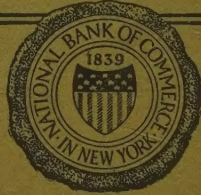


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